B O S T O N U N I V E R S I T Y

G R A D U A T E S C H O O L

D I S S E R T A T I O N

A HISTORY OF LITERARY CENSORSHIP IN ENGLAND

By

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TABLE OF CONTENTS

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OUTLINE OF THE DISSERTATION

A HISTORY OF LITERARY CENSORSHIP IN ENGLAND

PREFACE

The nature of the subject presented in this dissertation has rendered it necessary to make extensive use of much of the material and many of the conclusions of previous researchers in the field. Since the work is an historical study, the proper approach must needs be a synthesis rather than an analysis. That is the method I have found appropriate for use. In carrying it out, I have become deeply indebted to those authors whose names and works appear among my footnotes and first bibliography, the achievement of several of these authors being either the only or the best work available on particular phases. Because of the indebtedness I have created by my dependence on and my free use of their work, I wish to express my grateful apologies.

J. A. S. C.

INTRODUCTION

Many works have appeared in connection with the subject of literary and other kinds of censorship, but as the subject is one that has kept growing, almost any new work will have something to add. To my knowledge, no single work has, to date, covered all phases of the subject. It is my aim to present a history of literary censorship in England, starting the study with a survey of the origins on the continent and then tracing their development in England through the years down to the present day.

It would be entirely too ambitious an aspiration to cover completely every single literary work in England, that ever came under the influence of the censor. That is why I have worded the title with the indefinite article a, rather than the. I am offering herewith my dissertation on a history of English censorship.

I wish to extend my gratitude to those persons who have been especially helpful in compiling my material and helping to put it into its final form. They are Dr. John E. Collins of the Public Latin School, Miss Mary McManus of the Evans Memorial Hospital, Miss Katharine Cornell of the Cambridge High and Latin School and the Wyndham School in Boston, and my brother, Charles A. Callanan. I deeply appreciate also the further assistance of Mr. Clement Hayes of the Faelten School;

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J. A. S. C.

REVIEW OF THE WORK OF OTHER INVESTIGATORS

After considerable labor in building up a working bibliography to prepare this dissertation, I found that countless articles and many books were available with some bearing on the subject but that no single investigator had covered all angles, either one phase or kind or period alone being considered and then usually but sketchily. As a matter of fact, no writer had yet taken as comprehensive a view as I feel this dissertation assumes. Hitherto, all were concerned with limited viewpoints. Probably the most comprehensive approach taken was by the Encyclopedias--The Britannica and the Americana--and then not fully; by that I mean that they were inclined to regard the different kinds of censorship as units with historical completeness in the range over which they spread. Further, they appeared under different headings in different parts of the volumes, but they were merely high-lighted reviews that stopped, because of the dates of publication, much earlier than the present day.

The list of authors whom I found most helpful in their investigations was comprised of Father Pernicone, G. H. Putnam, Leo Markun, Anne L. Haight, Frank Fowell and Frank Palmer, Robert Vickers, Alec Craig, Kimball Young, Raymond Lawrence, and Eugene J. Young.

Father Pernicone's work on the ecclesiastical censorship of books is today considered the leading authoritative work on this subject. It has the double advantage of being a clearing house for the treatment of the research of earlier authorities on the Roman Catholic Church censorship like Father Hilgers, Reusch, Woywod, and

Augustine, etc., and of bringing the subject up to date. Putnam's work on the subject I found decidedly biased in approach and treatment and found that it was therefore of practical use chiefly as a source book for facts about English books that came under the censorship. In culling material from Putnam, I tried to avoid borrowing anything other than factual information and for that his work was very helpful to me, although admittedly he found he could make only reference to them as slightly incidental to his particular study. Markun's voluminous work on the subject of morals in England and America bears but an indirect relation to the subject of censorship. Out of his meaty discussion, I was able to withdraw considerable information of value. He did not emphasize the subject of censorship, although there was much that had a direct bearing on it and that proved a valuable grist to my mill.

Another helpful source was the little book, "Banned Books," by Anne Lyon Haight. Although an incomplete study of books that had been banned at various times in various places for various reasons, England proved well represented in the catalogue from which I drew considerable help. The work was a catalogue of works exhibited in New York in 1935, through the efforts of the Junior League. It did not pretend to be a complete history; it was merely a listing of those works which, either in the original or in reprints, were available for the purpose of the exposition.

There is a similar situation to be found in the work of Robert Vickers, whose book, "Martyrdoms of Literature," appears among many of my footnotes. Herein Vickers discusses the many occasions in the

history of the world when books suffered some kind of martyrdom. The material is not restricted to any one country but includes pretty much the entire world. The space given to England is no more than a few chapters and then the reasons for the martyrdom are not always traceable to censorship. However, those which fit into that category were of great assistance to me, as they provided material not available elsewhere.

"Censorship in England," by Frank Fowell and Frank Palmer, is probably the best and most nearly complete work on censorship of the drama in England. Although the book by its title would seem to suggest the same matter of my thesis, it does not embrace the full subject but rather limits itself to censorship of the drama and regulations that have had to do with the stage. It does provide examples of the exercise of the censorship apart from the drama itself, but they alone would not be sufficient to be considered a complete story of censorship.

Henry Arthur Jones's collected essays and lectures on the foundation of a national drama in England (along with Fowell and Palmer's treatment of the situation prevailing in England in regard to the drama), provide one of the best analyses on the subject, but his work is in no way an historical study. Similarly, Filon's history of the English stage purports to be an historical study but is neither historically complete nor sufficiently broad in its scope to be considered on that subject really definitive. The two helpful articles by Gertrude Kingston on the development of dramatic censorship in England provide many useful anecdotes that serve to enlighten the progress run by dramatic censorship, and give an equally helpful account of its origins, but on the whole her work emphasizes the point

of view of the actor and in the latter part it proves too sketchy.

Eugene J. Young in his "Looking Behind the Censorships" concerns himself largely with the battle that the foreign correspondent must wage against officialdom in Europe today. He does look behind the censorships, for after the early chapters, it becomes a treatment of modern international diplomacy.

Alec Craig provides a good study of the laws in England against obscenity. Although his title reads "The Banned Books of England," like so many of the titles of these earlier investigators, it is a bit misleading for it does not cover the entire field suggested by its title, but limits itself to obscenity alone.

He has three aims and they are definitely these: first, to explain the law; second, to show how it works; and third, to discuss what chances exist as to its reform.

The University of Oregon publication, "Bibliography of Censorship and Propaganda," compiled by Kimball Young and Raymond Lawrence with a valuable introduction on the two subjects by the former, opened to me a storehouse of material, and although most of the items contained in it were newspaper and magazine articles, out of most of them I gleaned points of information and out of all of them a widening background on the subject. The publication reflects a tremendous amount of research and can hardly be omitted by the investigator of any phase of censorship and propaganda.

Let me say at this point that I am grateful to all of these earlier investigators. I have not mentioned them all, but I think I

have referred to those whose work is the most enlightening on the subject. In most cases, their treatment, often stating to be more comprehensive than it actually turns out to be, devotes itself to a highly specialized viewpoint or approach. In this respect, their achievements paved the way for my work.

I. GENERAL FEATURES OF CENSORSHIP

To the man in the street whose eyes and ears so frequently experience such regular expressions as "Censored by the British (or German or Italian) government,"[1] the word censorship may lose much of its real significance and seem of present-day interest alone. It has come to be bandied about so glibly in these days of World War II that the French, before their capitulation to Germany, made it the butt of their jokes (many a one about England's censorship as well as their own) in their creation of Anastasie.[2] Further, Americans have found it inspiration for many a ditty or a cartoon, a few recent typical ones being respectively Edgar Guest's "Mrs. Malone and the Censor"[3] or the picture of an Indian elder on a tree-top dispersing the smoke signal of a young brave below, the whole bearing the caption, "They're Censoring Everything Now."[4] And though present conditions have made us all a little more conscious of censorship, really thinking persons appreciate the fact that it has deeper than mere contemporary significance, that like the poor, the censor in some form or other, we have always had with us.[5]

Pretty nearly all censorship falls into certain grooves. It might not be inapropos here to think of it as something

(1) Boston Sunday Post, Nov. 17, 1940. Robert L. Morton: Free Press in Grave Danger, pp. 1 and 4.
(2) Taylor, Edmond: "The Strategy of Terror" - Chap.X pp.211-221 "Anastasie the Fair" Life-April 15, 1940 pp. 11-12
(3) Guest, Edgar A.: "The Path to Home" pp. 41-42.
(4) New Yorker, July 6, 1940, p.14.
(5) Weeks, Edward: Practice of Censorship, Atlantic Monthly, January 1930, p.18.

like a vast time-worn tapestry worked with variously colored threads into a continuous design over a long period of years. The underlying reasons for censorship are fundamentally the same through the ages -- in one, perhaps, the theme is worked out with threads of red or gold or blue with one color predominating; in perhaps another, all three are given equal dominance or paleness; or yet again in some other period, some one thread seems to have been lost entirely. To carry the tapestry simile a bit further -- more than one writer or critic will agree that the predominant issues, underlying themes, essential purposes, or what-you-will, are chiefly three: religious, political, or moral.(1) And the threads which represent them, though to be seen from the foreground, are most clearly evident when our censorship tapestry is studied from behind. So let us turn it over and study the story more closely.

If we were to do a bit of delving into the accepted definitions of <u>censor</u> and <u>censorship</u>, most representative dictionaries and encyclopedias would suggest that they fall into certain main categories like the following.(2) Censorship, according to the Britannica, in modern practice, may

(1) Haight, Anne Lyon: Banned Books - Informal Notes on Some Books Banned for various reasons at various Times and in various places. Preface p.2.
(2) Oxford English Dictionary, Vol.II, pt.I, pp.218-219.
Britannica (14th Edition) Vol.5, p.114.
Webster's New International Dictionary, 2nd Edition unabridged, p.434.

be generally defined as action taken by any governing authority to prevent the dissemination of false statements, inconvenient facts, or displeasing opinions among the governed. This holds good equally for earlier than modern practice although it may imply somewhat the expression of disapprobation or condemnation of published work only; on the contrary, research into the subject brings to light many an instance where the action taken by the governing authority is far more retroactive than time of the publication but is preventive and anticipatory as when Queen Mary, foreseeing in 1555 the spread of heresy in her time, issued a proclamation which commanded that "no manner of persons, etc., presume to bring into this realm any MS., books, papers, etc., in the name of Martin Luther, John Calvin, Miles Coverdale, Erasmus, William Tyndale, etc. or any like books containing false doctrine against the Catholic faith." (1) Incidentally, it was Queen Mary's father, Henry VIII, who is supposed to be the one to have first exercised preventive censorship. However, this might well be challenged for he was not the first individual to strike in anticipation, and I present as a single example earlier than Henry VIII, Pope Alexander VI's edict in 1501 against unlicensed printing in order to <u>prevent</u> the contagion of

(1) Haight, p.5.

heresy against the church.[1] Perhaps one of the stigma so closely associated with censorship is that it is synonymous with censureship and always implies the act of blaming, reprimanding, or criticising hostilely. By nature of its function, it is always adverse in its scope.

Nor are certain common definitions of censorship the only generalizations to be made about the subject before taking it up in detail. Another is that there are various kinds of censorship. The first type is the unconscious censorship of the man who acts as a censor when he voices his disapproval, animadversion, or reproach of someone else's brain-child and thereby puts a stop to its spread or its repetition in the hands of other creators. If this censureer or censor does this unknowingly, he may well be guilty of unconscious censorship. If he does it intentionally or wilfully, he becomes represented in the other big division of censorship, and that is conscious censorship, where the censor as such has his feet on the ground, and knows what he's doing. So, when Francis Jeffrey, the editor of the Edinburgh Review, began his famous critique of Wordsworth's "Excursion" with the words, "This will never do," he was surely exercising censorship whether consciously or unconsciously.[2] There is moral censorship in the ethical codes

(1) Young, Kimball: p.8, in introductory article, "Censorship and Propaganda as Factors in Social Control," to Bibliography on Censorship and Propaganda by Kimball Young and Raymond D. Laurence.
(2) Boston Evening Globe, Editorial page, Jan. 26, 1940.

of society whether they be expressed by John Wyclif and his Lollards [1] or in the refusal in 1894 by certain circulating libraries to stock George Moore's "Esther Waters" [2] or in the independent rejection made by an individual of any piece of work.

Though censorship in its results is fairly uniform, the types of censorship that effect the desired end may vary greatly. First of all there is the kind of censorship exercised unconsciously on the part of the censor. And such a censor exists within ourselves and is called the Inner Censor, [3] which "is an instinct both moral and aesthetic, which rejects things both because they are bad, and because they are ugly, and pursues things both because they are good and because they are beautiful." This instinct, says Murray, is not Victorian prudery nor Christian asceticism; "it is not even the Hellenic tradition, which dislikes uncleanness, physical and moral; it is something that springs eternal in the nature of man." We may not know we have within us such a censor or when it is working but it is there just the same. It governs our choices and all the discriminations we make, and once we make discriminations in favor of one thing or one side, we are unquestionably censoring another. John Gunther says in what he aptly calls "Funneling the European

(1) Nielson & Thorndike: History of English Literature p.42.
(2) Haight: pp. 55-56.
(3) Murray, Gilbert: "The Crisis in Morals" in Harper's, January 1930, p.137 ff.

News,"[1] "a correspondent may be constitutionally incapable of sympathy with socialism; he may be afraid of airplanes; he may dislike French beer; perhaps in Poland once a barber shaved him badly. All these details color news." A correspondent's bias colors his news and "consciously or otherwise we form most of our opinions from the perusal of our favorite newspaper."[2]

Another form of censorship is that which might be rightly called self-imposed censorship, that of the kind which for instance, either out of loyalty to their king or respect for the canons of good taste, made journalists ignore Edward VIII's affair with Mrs. Simpson.[3] Such a type of censorship has been aptly called by Eugene J. Young, the able editor of the New York Times, in his study of the art of manipulating news,"patriotic reticence"[4] and is that responsibility felt not only by publishers but by private persons who might know of what is going on and are impressed with the necessity of safeguarding the country and of assisting its authorities to gain their ends. Such instances are of truly self-imposed censorship but concommitant with them are others possibly wherein the censorship is regarded as self-imposed but the word self-imposed takes

(1) Gunther, John: "Funneling the European News" in Harper's April 1930, pp. 645-6.
(2) Norton, R. L.: cf. supra. p. 1
(3) Beckles, Gordon: Coronation Souvenir Book, 1937, p.20; p.30-34.
(4) Young, Eugene J.: "Looking Behind the Censorship" Chap.I, p.30.

on an ironic coloring. A suitable example of this ties in with the later treatment of the Simpson affair just before and during the abdication proceedings. In this case the word self-imposed moves into quotation marks. In continuing his treatment of the art of news manipulation, Eugene Young finds the uncontrolled press exercises a wide freedom in going behind barriers and printing much material which, he says, the spokesmen do not pass; the press puts limitations on itself recognizing that news affecting national interests has to be guarded in critical situations and refrains from printing what might be harmful to the country's position in a diplomatic campaign.(1) Such censorship is self-imposed, it's true. It might as well be. It seems to be nothing more than beating time, for if the writer had not imposed it on himself, powers that be would have done it for him.

As we trace the course of literary censorship, we can also note changes in the standards that have determined it. In some periods, they have been stringent and in others, lax almost to a degree but in all instances there have been mitigating causes. Perhaps the easiest to recognize are the general temper of the age, the varied character of the reigning sovereigns, and the equally varied personalities

(1) Young, pp. 29-30.

of the censors. It is certain that the temper of the ages of the Queens Elizabeth, Anne, and Victoria was in each case largely attributable to the reigning queen, and each of the literary ages which grew up around any one of them was distinctly different from that of the other two. It is also certain that the personality of the censors under Charles II stamped itself[1] on the censorship of the time and was as largely to blame for the orgie and unrestraint of the period as the King himself;[2] and again, that it was widely different from that of the men who have passed on the drama of the twentieth century.[3] Another factor accounting for differences in censorship standards is that through its history censorship has had different motives underlying it: personal gain and avarice, suppression of disruptive elements intellectual or otherwise like sedition against Church or State, protection of public morals.[4] These may not be the only differences in the standards and motives underlying censorship, but they are the most significant.

The effects of censorship on literature are indeed far-reaching. It is not sufficient to suppose that once a literary production has been censored that's that and

(1) Fowell,F. & Palmer, F. - "Censorship in England", Chap.V, p.94 - ff. "Killigrew and the Restoration Drama."
(2) Fowell & Palmer, p.106.
(3) Fowell & Palmer, p.187.
(4) Fowell & Palmer, pp. 325-6.

the matter stops there. On the contrary, it has many times actually stifled literary talent in that avenue of expression most affected by the censorship. It thus places the curb and bit on genius and talent. Sooner than submit to such restriction, many a writer has himself refused to continue writing in the thus restricted field but like Henry Fielding has taken up pen in hand and tried it in some other literary area. It is true that Richardson's Pamela, when it appeared in 1740, excited Fielding's wrathful amusement (1) and promoted the writing of his Tom Jones, the success of which kept him going as a novelist but a greater impulse came from his wrath and not amusement over Walpole's reaction in 1736-1737 to his "Pasquin, a Dramatick Satire on the Times" and "Historical Register for 1736," and it was this impulse which started him away from the drama.[2] Perhaps because the greatest censorship today is to be found in the field of the drama that is why certain writers have declined to try their hand at the drama. However there is also an opposite view to be taken of the matter at the same time. For this we may go back to Fielding again for though the drama lost, the novel gained; and not only did it become enriched by Fielding's works but they determined largely

(1) Nielson & Thorndike, p.230.
(2) Fowell & Palmer, pp. 133-136.
"More Books" a Boston Public Library publication, June, 1939, vol. 14, no.6, "Fielding as a Dramatist".

the course that the subsequent development of the novel was to follow. Censorship has been known to inspire such a significant literary work as Dafoe's "Hymn to the Pillory" after censorship had prosecuted him for his libel on the church in his pamphlet in 1702 entitled "Shortest Way with the Dissenters."[1] To take another example, but consider Jonathan Swift's "Gulliver's Travels," which in 1726 concealed the fiercest possible satire of politics and learning,[2] because Swift didn't dare in so many words state what was really in his mind. Edmund Spenser, in 1579 wrote "Mother Hubberd's Tale,"[3] a beast fable in the manner of Chaucer (whose own "Parliament of Fowles" might well fit into the same category), warning Leicester to prevent the proposed marriage between Elizabeth and the Duke of Anjou. For his boldness, Spenser was sent to Ireland, 1580, as Secretary to Lord Grey and spent the remainder of his life there except for two visits to London. We know that while there he did his greatest work, "The Faerie Queene." May we not feel that to be a payment on the debt we owe to censorship? Here was a case where, unlike Fielding who shifted into another literary channel, the writer stayed in the same channel but fear of further censorship

(1) Nielson & Thorndike, p. 218.
Greenlaw, Edwin: A Syllabus of English Literature, p.176.
(2) Greenlaw: p. 178.
Nielson & Thorndike: p. 211.
(3) Greenlaw: p.68.

determined to a great extent its course. It has been this fear that has been largely responsible for that vast body of satire which, fierce and gentle, bitter as could be the lines of John Skelton or gay as were, centuries later, the librettos of Gilbert and Sullivan, comprises such a goodly bulk of England's literature. These are solitary and widely separated examples in England's literary history, but sufficiently representative: They all show that for better or worse censorship has changed the content and form of English literature.

II. ORIGINS OF CENSORSHIP

There is pretty much agreement that the earliest censor as an official officer goes back to ancient Rome where his duties of censor, as we might today think of one, were but a single one of the many manifestations of that office. Nor must we let our notions of modern censorship, to be sure a by-product of that single manifestation of ancient Roman censorship, carry us too far afield. For the ancient Roman censor paved the way for his successor in many a modern country, and not only laid the groundwork by his achievements but set the technique for aggressive self-seekers to follow.[1]

The two Roman officials had as their task the duty of registering all citizens for number and property owned, to determine by such a census the duties they individually owed the community. This made it possible for them to administer the public finances and become inspectors of morals and conduct.[2] They never fully lost their idea of dis-

(1) Fowell & Palmer: pp. 1-3.

(2) Webster: p.434.

cretionary power although it in time came to be intimately associated with the appreciation of morals. Although this phase of their duties is of the greatest interest to us in our study, in all there were some six functions, two of which came to be added as time went on. Originally the censors concerned themselves -

(1) with the registration of the citizens in the state divisions (according to tribes and centuries);

(2) taxation of such citizens based on an estimate of their property;

(3) right of exclusion from public functions on moral grounds;

(4) solemn act of purification which closed the census; and, in time

(5) selection of the senate; and

(6) certain financial duties such as leasing of contracts for tax-collecting and for repair of public buildings. (1)

It is immediately apparent that the third one of these items is the one that has a bearing on censorship. After a detailed examination of the citizenry, as represented by the heads of families, the censor published edicts stating the moral rules they intended to enforce. The enforcement could at times prove rigid and disqualifications

(1) Britannica: Vol. 5, p. 114.

often ensued as a result of offenses in private relations or in public life. The censor was the Roman manifestation of the State control of conduct and the position, regarded as the crown of a political career, had but few restrictions on its power, they being limitation of tenure to a year and a half and the necessary assent of one colleague to make valid any act of the other.

In exercising their office as inspectors of morals and conduct, the censors could forbid publication, circulation, or representation of anything they deemed objectionable, and inflict penalties in whatever varying degree they chose. The censorship continued from 443 B.C., when it was first established, as long as the republic, being suspended but not abolished during the period of the principate, although censorial functions were exercised. The office must have been rated as of paramount importance, because it was held by Claudius and Vespasian, Domitian carrying it one step further by assuming the title for life.

It was during the reign of Claudius that Rome entered upon the conquest of Britain, and in the summer of 43 A.D., her army landed there, put down most of the British chieftains.(1) Britain was immediately organized as a Roman province with a governor and a regularly established

(1) Cheney, Edward P.: A Short History of England, p.20 ff.

military force and civil administration. Although some histories tell us the Roman rule of three hundred and fifty years had but slight effect because no attempt was made to educate or civilize the people, who were merely held in subjection,[1] it may be fairly safe to suppose that the establishment of this civil administration was a reflection of its counterpart at Rome. During the three hundred years of Roman occupation, Britain, we are told, was a comparatively peaceful and orderly province, during which period the growth of towns, building, rural life, roads, industry, language, and religion flourished. As time passed, however, the prosperity and good order of the Roman Empire declined, says Cheney.[2] He attributes this decline to some decrease in Britain's own wealth and population and frequent invasions, emphasizing the added burden of the heavy taxation necessary to pay the expenses of the army, office holders, and other needs of the imperial government. Utter misery frequently resulted from the heavy and badly distributed land, poll, and other taxes on imports, exports, and sales. This brings us face to face with the censor, because it will be recalled taxation of citizens based on an estimate of their property was one of his duties. Surely this and his other duties were exercised on the many settlers from else-

(1) Newton & Treat: Outline for Review of English History, p. 6.
(2) Cheney, p. 30.

where in the Roman Empire who came with their families, we are told, to live in Britain, and they comprised not only those engaged in the military and civil service of the government but merchants, manufacturers, shopkeepers, and persons occupied in other capacities.(1) During the period after the conquest (which began in 43 A.D.) until the withdrawal of the legions in 407, there did exist a highly developed civilization, and this was easily a reflection of Rome's own civilization. So what we know of the censor at home applies to this extension of Rome's "home" across the channel. The period of Rome's supremacy in Britain, says Cheney, was a single episode rather than part of the continuous progress of the development of the English nation, but, he adds, an episode of much interest.(2)

The Roman period and the censorship it may have entailed was then but an episode. The censorship threads disappear for the time being. They are not working a continuous design at this point from this period into the next but they will be resumed in a different pattern further on.

Important in a study of origins of censorship is the Index Romanorum or Index Librorum Prohibitorum, which is the title of the official list of specific books which the Roman Catholic Church authoritatively forbids the members

(1) Cheney: p.24.
(2) Cheney: p.34.

of her communion not only to read but also to possess, irrespective of works forbidden by the general rules on the subject.[1] In the modern ecclesiastical use of the term, the first Roman Index was published under Pope Paul IV, through the Inquisition at Rome in 1557 and 1559, but censorship on the part of the Popes, which became increasingly active with the discovery of the art of printing and the subsequent spread of the use of books, harks back much further. If, says the Britannica,[1] we set aside heretical books condemned by the early councils, the earliest known instance of a list of proscribed books being issued with the authority of a Bishop of Rome is the "Notitia librorum apocryphorum qui non recipiuntur," the first redaction of which by Pope Gelasius in 494 was later amplified on several occasions. But, says Fr. Pernicone,[2] whose Canon Law doctoral dissertation in 1932 on "The Ecclesiastical Prohibition of Books" is now rated as the most recent last-word on the subject, "in the first Christian centuries many books were written which were attributed to this or that inspired writer and were not only spurious but also heretical." The Church found it necessary as a result to draw up lists in order to let the faithful know which books were inspired and which were apocryphal. "The Muratorian Canon,"

(1) Britannica: vol. 14, pp. 374-5 (11th edition); The Encyclopedia Americana (1940 Edition) vol. 14, pp.751-2; The New Catholic Dictionary, p. 475.
(2) Pernicone, Rev. Fr. Joseph M: "The Ecclesiastical Prohibition of Books" p.27.

later used by Gelasius, was a work of the second half of the second century and is the earliest work of its kind. Its further value is to be found in that it gives the canon of the New Testament and after naming some apocryphal books, not to be read in public, it continues (and Pernicone quotes from it): "....and there are several others which cannot be received by the Catholic Church, for it is not suitable for gall to be mingled with honey."[1] This would seem to take care of the first ecclesiastical proscribed list. However, the Church's attitude towards ungodly books was first made articulate in the burning of the books before the Apostle Paul at Ephesus.[2] Fr. Pernicone says this may have been an action taken spontaneously by the Ephesian Christians or it may have instead been requested by their teachers, but since immediately preceding the burning the Christians confessed and declared their deeds, it may be supposed that the burning was not spontaneous on their part but had been requested or ordered by their teachers or by St. Paul himself.[3] It at any rate indicates what was the attitude of the Church toward evil books and of further importance, Fr. Pernicone finds, it is the first example of the constant practice of the Church, followed through subsequent ages, to deprive the faithful of those books that might possibly prove injurious

(1) Ante-Nicene, Fathers: (Am. Ed.) V, 603, quoted by Pernicone, p.27.
(2) Acts of the Apostles XIX, 19; quoted by Pernicone, p.18.
(3) Acts of the Apostles XIX, 18; quoted by Pernicone, p.18.

to their faith or morals and as a result endanger their eternal salvation.[1] Fr. Pernicone quotes St. Alphonsus as a source for the statement that it is not known at what council or with what Pope formal legislation regarding the prohibition of books definitely began,[2] but it is certain that the practice of forbidding books in the Church is as old as herself. This is to be expected since Christ himself insisted on the observance of the Commandments (religion and morality), as a condition of entering eternal life.[3] Although it is true that in Holy Writ no express references to books from which men should abstain are to be found, God explicitly and clearly stated the principle upon which the natural prohibition of books is based, namely, says Pernicone,[4] that man is obliged to strive for the attainment of his last end. This then is the origin of censorship and the prohibition of books as applied through the nineteen centuries of its history to the Roman Catholic Church. As the early Church existed in England, so automatically the arm of its authority extended in its scope and embraced England. Christianity, we know, made little headway at first in Britain.[5] It had been introduced into Ireland and Britain by early Roman missionaries later to be swept away in Britain, although to flourish in Ireland.[6]

(1) Pernicone: p. 18.
(2) Pernicone: p.26.
(3) Matthew XIX, 16-19; XXII, 36-40; quoted by Pernicone,p.18.
(4) Pernicone, p.8 (Matthew XVI, 26).
Drum, Rev. Walter, S.J.: in Americana article on "Index Librorum Prohibitorum" Sect.II, "The Right of Censorship In Civil Society and in the Church", pp.751-2.
(5) Newton & Treat, p.6. (6) Newton & Treat, p.7.

In the next two centuries, the fifth and sixth, the Church had its ups and downs and although it had such great missionaries as St. Patrick, St. Columba, St. Cuthbert, St. Aidan, and finally St. Augustine, the two churches spread through the land, branches so-to-speak of the same great tree. The disagreements that clashed so vigorously between the two forms of Christianity were finally and definitely settled by the important Synod of Whitby in 664; important because it made the Pope supreme in the English Church, and brought England into touch with the civilizing force of the Roman Church. From then on till England broke away from the Roman Church over the question of Henry VIII's divorce in 1526, and the whole English Church agreed to recognize Henry as its Supreme Head in 1531, whatever censorship the Roman Catholic Church set up for the faithful applied to England. From then on, exemptions in Protestant countries had to be made, and England thenceforth has been a Protestant country.

At this point, the "religious" design in our censorship tapestry loses much of its vividness. The threads pale out a bit but they are worked into the body and are there just the same to reflower again with greater vividness.

In the introductory pages that precede Young and Lawrence's "Bibliography on Censorship," Kimball Young,[1] while emphasizing that censorship today is a phase of social control closely correlated with rapid communication and with

(1) Young, Kimball; and Lawrence, Raymond D.: Bibliography on Censorship and Propaganda, Introduction, p.7.

the spread of interest to secondary relationship transcending the natural limitations of space, brings out another point of interest that can well fit in here; for it is that censorship of a kind in primary groups as, for instance, in neighborhood or village by virtue of the power of the leaders and of the group taboos. This is a good point he makes and is largely the same as that made by Fr. Drum in his discussion of the right of censorship in civil society,[1] wherein he points out that the unitive principle is authority in every full formed society, and the object of authority is those means, which are necessary to the very existence and well-being of the social organism whereof it is the vitalizing and unifying principle; and one such means is censorship. We may be more truly conscious of such censorship or the need for it in a time of group crisis, but it has applied to the group even in its earliest manifestations. Young cites Sumner[2] as having pointed out long before himself the fact that the mores center about those situations which are thought to involve the survival and the welfare of the group. Infractions of the folkways, he goes on to show, result in ridicule and mild censure (and here is fertile ground for gossip and the censure it implies, to develop), but to break the mores of the group is "to incur the wrath

(1) Drum, Rev. Walter, S.J.: on "The Right of Censorship in Civil Society" under the heading "Index Librorum Prohibitorum" in the Encyclopedia Americana, vol. 14 pp. 751-2 (1940 Edition).

(2) Young, Kimball: p.8.

of the gods who have always found their vice-regents on earth in the form of group elders, medicine men, war leaders, popes, kings, and the democratic mobs led by the ever ready demagogue of the time or place."[1] While there are no serious threats to established custom followed by the group, any attempts at censorship are quite slight. When what concerns the group is called into question by the development of a crisis - military, political, moral, religious, or literary - then to protect group solidarity, social pressure is applied. Young sees the necessity of morale for group survival, as well as the danger of anything which threatens to disintegrate it.[2] The strength of the group becomes undermined by that rebel individual who dares to question the procedure of a military, religious or political leader. An exposé of facts contrary to those previously published by the group leaders is frowned on and liable to social regulations of varying severity. In mediaeval days when people still lived in isolated communities and their social, political, and religious forms were fairly stable, the censorship exercised by gossip and the mild control of the village elders sufficed. When the modern world emerged from this state of affairs into something of its present state, when men began to call into question the social, economic, political, or religious organizations under which they lived, disruption was threatened. Then means of communication improved, education

(1) Young, Kimball: p.8.
(2) Young, K: p.8.

spread bringing about greater literacy and freedom of thought, and printing was invented. Accompanying all of these was the threat to authority. Gossip and mild control needed to be hatched into a larger product; censorship came out of its shell.

In the early days of the monarchy and up to the time of the constitutional development, the word of the sovereign was pretty much law. In some reigns the king proved quite arbitrary and when it seemed best to go through a formality, a special Royal Edict was always possible.

Probably the greatest original germ in the history of censorship to develop extensively in later years was the position of Master of Revels. The word germ might not be ill-chosen since that position, once its powers became extended, in many cases proved a veritable plague. Fowell and Palmer, in treating of some of the beginnings of English censorship,(1) state that the Master of Revels was an official of varying dignity, who had the duty of arranging and controlling the royal entertainments, disguisings, masques, etc. on festive occasions. The earliest traced reference to such an office, they find, is dated 1347, when the provision of <u>tunicae</u> and <u>viseres</u> for the Christmas <u>ludi</u> of Edward III at Guildford appears among the expenses of the wardrobe. It is certainly an incredibly slender origin for the great State post that the position of Master of Revels at various

(1) Fowell & Palmer: p. 5.

periods in its history occupied. The course that most of such posts ran was as follows:[1] to begin with, they usually began with a little power bestowed on some special holiday or feast to a favorite retainer. Such a favor amounted to being a sinecure with ceremonial rather than useful function; but the holders invariably proved ambitious and enterprising. Their skill in capitalizing on their limited power evinced itself when they secured increasing frequency and duration of their brief periods of office, so that, by slow but sure degrees, in time the post became a permanent and salaried one. Then in course of time, they point out, an indulgent sovereign would post-prandially be induced to give the office a legal standing and grant a patent. Then followed the same eagerness for prestige, overweening rapacity and sly aggressions, each aiming to widen the area of jurisdiction. It would start in the Royal household and then become quietly extended to London, and feeling his ground, the holder of the office would dare to embrace the country at large, pending no vigorous opposition.

The office of Master of Revels, or Dramatic Censor as it soon came to be, was no exception to the rule, and conformed in its development to the system here outlined.

These then are the chief origins of censorship as applied remotely or directly as the case happened to be, to England: the Roman censor, the Index of the Roman Catholic Church, the power of gossip and village elders, special

(1) Fowell & Palmer, pp. 1-2.

edicts of sovereigns, and the creation of a dramatic censor as an extension of the powers of the Master of Revels.

With these in mind, we are ready now to take up the subject of the formal expression of censorship in definite lines like book, dramatic, press, radio, and so on.

III The Expression of Formal Censorship

The Jesuit Father Hilgers begins his article[1] on censorship of the Roman Catholic Church with the thought that as soon as there were books or writings of any kind, the spreading or reading of which was highly detrimental to the public, competent authorities were obliged to take measures against them. So, long before the Christian era, history shows us regulations existed for the suppression of dangerous books and the prevention of corruptive reading. The office of public censor was established among the ancient Romans in the year 311; and it was one of the censors' functions to oversee the disciplinary control of manners and morals[2]. Everywhere the simplest and most natural type of censorship was used when "dangerous" books were declared to exist, and that was to cast them into the fire.

The burning of books by the Roman Emperors stands out during the reigns of Augustus, Diocletian, Theodosius, Valentinian, etc.[3] In some cases the burning of the books was due to prejudice against the Greek scholars;[4] in others, some such reason as the Emperor's desire to suppress oracular books.[5] With Christian Emperors ruling at Rome, it was to be expected that imperial support would go hand in hand

(1) Catholic Encyclopedia: III, pp.520 ff. based on his own and the work of Zaccaria, Fessler, Reusch, Taunton, and Vermeesch.

(2) Ibid. p.527.

(3) Vickers, Robert H: "Martyrdoms of Literature", pp.26-50

(4) Cambridge Ancient History, Vol.9, p. 174,"The Roman Republic, 133 - 44 B.C."

(5) Vickers, p. 28.

with the Christian censorship. The precedent for state intervention in this matter, says Louise Fargo Brown,[1] was believed to have been set by the Emperor Constantine after the condemnation of the Thalia of Arius by the Council of Nicaea, until one scholar tried to prove the edict a forgery. Forgery or no, the edict was used as a precedent for Constantine's successors who cooperated with the Church and ordered the burning of books.[2] And yet, although since the time of Justinian (ca. 483-565) the censorship and suppression of books had been a prerogative of the emperor, incorporated into the Civil Code[3] as law, we find that the emperors and civil authorities had ceased to concern themselves with this prerogative until the fifteenth century.[4] It was then that they became jealous of the Church's activity and exercise of power regarding book censorship, and sought to wrest from the Church authorities her power,[5] and, failing in that, to share it with her.

But not to get ahead of our story, --- although, as we have seen, the burning of condemned books took place under the Roman Emperors, the real establishment of book censorship is most generally attributed to the Popes. Above,

(1) Vassar Medieval Studies, p.251 "On the Burning of Books"

(2) To take a few examples: Arcadius in 398; Theodosius in 435; Justinian in 536.

(3) New Catholic Dictionary, p.525.

(4) Pernicone, p. 44 (Footnote #166, based on Hilgers).

(5) Diet of Worms, 1495.

under the subject of the Origins of Censorship, the question of censorship by the Church has been touched upon, though incompletely. Most people, conscious of Church censorship, refer glibly to the Index, and dismiss the matter there. They completely ignore the fact that Church censorship had a long history before the first Index in 1559, that several Indexes have followed through the years up to the latest edition in 1929,[1] and that in the present day the Church in the light of practicality places on the members of her Communion the responsibility of avoiding works in general that are subversive to faith and morals[2] rather than providing specific lists that constantly supplement the older ones.

The Church assumes the right to exercise her ecclesiastical censorship on the same basis that civil authority does.[3] She recognizes the likeness between civil and ecclesiastical authority. We have cited earlier[4] Fr. Drum's explanation that in every full-formed society the unitive principle is authority, and it has for its object those means, which are necessary to the very existence and benefit of the society whereof it is the vitalizing and unifying principle. One such means, says Fr. Drum, is the censorship of the press. Such civil censorship is largely the basis of this thesis. Although in different spheres of activity, ecclesiastical and civil censorship have much in common.

(1) Pernicone, p.66.

(2) Britannica, Vol.5, p.114 (14th Edition).

(3) Hilgers, J., Censorship of Books, in Catholic Encyclopedia, Vol. III, p. 519.

(4) cf. supra, p.21.

The Catholic Church does not claim to be a civil society, but a full-formed spiritual one -- a social organic unity whose members have the same spiritual aim, no matter how they are at variance in civil aims; "a living social organism, unified and vitalized by the same principle of spiritual authority, no matter how they differ in the civil authority that unites them into civil societies."(1) The Supreme Authority in matters of faith and morals is an attribute of the Pope, the successor of St. Peter in the Apostolic See, as far as members of this spiritual society are concerned. The whole organization of the Church rests upon this supreme authority. This authority, summed up in the words of St. Matthew,(2) "Thou art Kipha (a Rock), and upon this Kipha I shall build my Church; and the gates of hell shall not prevail against it. And I will give to thee the keys of the Kingdom of heaven. And whatsoever thou shalt bind upon earth shall be bound also in heaven; and whatsoever thou shalt loose upon earth, shall be loosed also in heaven." Further on, the same gospel quotes Jesus Christ on the eve of His Ascension into Heaven explicitly and solemnly conferring upon his twelve Apostles full power to exercise their mission of going and teaching all nations.(3) So, points out Pernicone, the Apostles and through them their successors throughout the centuries, the Bishops of the Catholic Church, with the Pope, the successor of St. Peter, at the head, are

(1) Fr. Walter Drum, S.J., Americana, Vol.14, p.751.

(2) Matthew XVI, 18-19, cited by Pernicone, p.12; Drum, p.751-2 (in the Americana, Vol. 14).

(3) Pernicone, p.12.

empowered by Christ to use all the means necessary and useful for the salvation of men's souls. Since it is her purpose to help men attain their last aim, the salvation of their own souls, it behooves her to make use of every means within her power for the spread and defence of Christ's revelation. It is on this basis that she can send out missionaries all over the world and use any means that may spread the faith. Contrariwise, she may assume the right of both anticipatory and repressive censorship of printed matter in order to attain the spiritual end she proposes.

The faithful recognize the Church has a God-given duty and the corresponding right to forbid them the reading of whatever literature she judges dangerous to their spiritual welfare. They do not resent as tyrannical or arbitrary the exercise of this right for they know when she proscribes a book or establishes an Index of books not to be read or a list of rules to guide her children to determine whether a book is forbidden or not, she acts within her rights and also in accord with the grave duty imposed upon her by Christ, her Founder.(1) Father Drum sees in such tyranny or repression(2) the tyranny of love like that of a mother protecting her children, who may reject it and give up membership in her community; but once they freely will to be her children and to share in the graces of her sacramental life, they are obliged to conform to whatever censorship she sets up in matters of faith and morals.

(1) Pernicone, p.20. Drum, p.752.

(2) Drum, p.752.

It may occur to one offhand that the censorship decrees of the Church ceased to apply to England once she became a Protestant country with the Reformation and the other events surrounding Henry VIII's steps for divorce in 1526[1]. This was, ironically enough, the same year in which Henry earlier made a civil crime and punishable accordingly the writing, printing, keeping, reading, or in any way handling the books proscribed by the Pope.[2] However, the Holy See has always insisted on the universal character of its laws prohibiting books.[3] The Canon (1396) on which this is based makes clear that prohibitions by the Holy See bind the whole world, unless the opposite is explicitly stated.[4] Thus, we see that once the early Roman missionaries introduced Christianity into Ireland and Britain, England (or what later was to be England) came under the rules of the Church. Christianity had its ups and downs at first,[5] and was for a time swept away in Britain while the Irish Church flourished, especially during the missionary work of St. Patrick. The faith revived under Sts. Columba, Cuthbert, and Aidan during the sixth century and after St. Augustine founded his first monastery in Canterbury in 597, both the Irish and Roman Churches spread through the heptarchy. The ensuing disagreements between these two forms of Christianity were eventually to become settled by the Synod of Whitby in 664, important in

(1) Newton & Treat, p.27.

(2) Pernicone, pp. 44-45.

(3) Pernicone, p.64, p.104.

(4) Pernicone, p.104.

(5) Newton & Treat, p.7.

our study because it made the Pope supreme in the English Church, and brought England into touch with the civilizing force of the Roman Church. Except during the period of conquest by the Danes, which began about 800 and continued until the so-called treaty of Wedmore in 878, England remained Catholic until the events occurred which led up to the political separation of the English Church from Rome in 1531.[1] Since that time she is generally thought of as a Protestant country, but Protestant countries are not exempt from the laws of the Church as far as its members are concerned. Nowhere has the Church ever consented to a change in the universal application of her Index legislation.[2] Again and again has she insisted on her laws being observed throughout the world, especially after the Leonine Constitution "Officiorum ac Munerum" (1897) intended for "all Catholics throughout the world."[3]

So much for the fact that Church censorship has in the past applied and still does apply to England. The next step would be a chronological consideration of the historical highlights of ecclesiastical censorship.[4] For the survey he makes, Fr. Pernicone divides his historical review into five groups: from the Apostles to Sixtus IV; from Innocent VIII to the Index of the Council of Trent; from Pius V to Benedict XIV; from Benedict XIV to Leo XIII; from Leo XIII

(1) Newton & Treat, p.27.
(2) Pernicone, p.105.
(3) Pernicone, p.105.
(4) The information for this historical review is drawn largely from a still more detailed account by Pernicone, pp. 26-67.

to the present day.

The date of the first formal legislation having to do with the practice of forbidding books, a practice as old as the Church herself, is not known, nor at what council, but the first indication of her attitude on the matter, we have already seen,[1] occurred at Ephesus before St. Paul when the books were burnt. It was necessary in the early centuries of Church history to determine for the faithful which of the many books attributed to inspired writers were inspired or apocryphal. The earliest list establishing such facts was the Muratorian Canon,[2] of the latter part of the second century, important also because it provides the Canon of the New Testament. In the same period, the Church, in her desire to allow only inspired books to be accepted by the faithful as Scripture, saw fit to condemn a book falsely attributed to St. Paul, the Acta Pauli, and also its author, who was deposed for having written it in St. Paul's name. The "Apostolic Constitutions", a collection of about 400, date back to the latter part of the third century and strictly forbid on the authority of the Apostles the reading of Gentile books. All the early Fathers and ecclesiastical writers make very clear the attitude of the Church on the question of bad books.

(1) cf. supra, p.18
Hilgers, p.520.
Brown, L.F. - p.251 in Vassar Medieval Studies.
(2) Hilgers, p.520.

It was the famous Council of Nicaea in 325[1] which made the first formal condemnation of a book, to be on record, namely Thalia by Arius. This decision was of import also because the Emperor Constantine followed the censorship which condemned Arius, his doctrines attacking the divinity of Christ, and his book, by a further decree ordering the burning of all copies of Arius' book to be burned under pain of death for anyone refusing to throw it into the flames. The full significance lay in the fact that it was the first time a civil ruler aided the enforcement of an ecclesiastical prohibition of a book.

Near the end of the same century in the Fourth Council of Carthage, there was drawn up a canon that forbade bishops to read habitually books of pagans to the exclusion of sacred literature, or to read the most scandalous of their works. However, when their pastoral office required it for the purpose of refuting them, they were allowed to read heretical works. This (says Pernicone) shows that the positive prohibition of books does not bind the flock and the shepherds alike, a principle generally followed throughout the centuries except in such rare instances as at the Second Nicene Council in 787 and in Leo X's Constitution "Exsurge Domine" (June 10, 1520), when it was held necessary to extend the prohibition to bishops as well.

The books of Origen were condemned in 400, by Theophilus, the bishop of Alexandria, and the other bishops of Egypt, to check the errors contained therein. The value of the books

(1) Hilgers, p.520; Brown, L.F., p.251.

did not prevent the proscription, the Church being willing to make any sacrifice for the sake of the truths of Christ, feeling the reading would be more harmful to the unwise than useful to the wise. When this action was made known to him, the Roman Pontiff, St. Anastasius, called a council in Rome and had Origen's books condemned the same year.

His successor, Innocent I, in 405 in a letter to Exuperius, the Bishop of Toulouse, accompanying the Canon of the Scriptures, enumerated some of the apocryphal writings to be not only repudiated but condemned and these, according to Fr. Hilgers, on whose authority many of Pernicone's statements are based, are the first attempt at a catalogue of forbidden books.

Within the next few years, several heresies were condemned and the books containing their erroneous teachings: the book of Pelagius in 417 denying the necessity of grace; in 431 all the books of Nestorius, the most prominent defender of the heresy which taught that in Christ there are two persons and that Mary is the mother of the man Christ and not the Son of God; the"Aseticon,"the book of a sect called the Messalians (also in 431); in 443 the books of the sect of Manichaeism at Rome; and in 447 the books of the Priscillianists in Spain and the Apocryphal Scriptures.

Gelasius in 496 at a Roman Synod promulgated the "Decretum Gelasii"(1) -- this was republished with some additions by his successor Pope Hormisdas -- recognizing that a good number of the heretical books condemned by the Popes,

(1) Britannica, Vol. XIV (11th Edition), p.374.

Bishops, and Councils in the past were unknown to the faithful because a complete list of them did not exist. This "decretum" comprised first the Canon of the Scriptures; secondly, good and useful books; and thirdly, apocryphal and heretical books condemned and forbidden even for private reading.

The Church continued its condemnation of heretics through the following centuries, placing its ban on their writings when it condemned them.(1) In this period it is interesting to note that some bishops convened in council in 589 at Toledo and condemned a book which they themselves had written while under the influence of Arianism. Another highlight of interest centers about the condemnation in 745 by Pope Zacharias of the heretics and imposters Adalbertus and Clement and their works, the influence of which was being felt deeply throughout the Frankish kingdom. In this case, contrary to the ancient and usual custom, the Pope decided(2) not to burn them but to reserve them in the secret archives "ad reprobationem et ad perpetuam confusionem."

During the eighth century there existed a period of strife and riots brought about by attacks on holy images by emperors and even by some ecclesiastics. In 787 the Second Nicene Council defined the Catholic Doctrine which forbids adoration but permits veneration of images, and went further

(1) A few of them included the celebrated "Three Chapters" (i.e., Theodore of Mopsuestia with his works, the writings of Theodoret of Cyrus against Cyril of Alexandria and the Council of Ephesus, and the Epistle of Ibas) in 548 and again in 553; the works of the Monothelites in 649; some fictitious <u>Acts of Martyrs</u> in 692; in 745 the works of the heretics and imposters Adalbertus and Clement; in 787, "Itinera Apostolorum".

(2) Hilgers, p.520.

by requiring that all lampoons, books, and other works written against this doctorine should be given to the Bishop of Constantinople to be kept in his palace with books of other heretics. Something new is noteworthy in this prohibition against iconoclast literature in that it applied under pain of deposition to bishops (if a bishop, priest, or deacon was found to hide such works, he was to be deposed; if a monk or layman, to be excommunicated). Hitherto it had always been understood by the hierarchy, if not by the people, that bishops could read forbidden books in order to refute them; but this shows that some bishops were suspected of some of the errors being condemned.

During the Pontificate of Nicholas I, one of the holiest, most learned, and firmest Pontiffs ever to occupy the Holy See, a good example of the impartiality of Papal condemnation lies in Nicholas' attitude to the Emperor Michael III. Michael had been an ardent defender of the Schism of Photius, and had written an abusive and insulting letter to the Pope, who condemned it and commanded that it be burned publicly. This was in 865 the same year the Bulgarians were converted to the Faith, after which the books they had taken from the Saracens were ordered to be destroyed.(1)

During this period and up to the time of Innocent VIII, many books perilous to Christian Faith and morals were condemned. Some of them included the proscriptions by Councils and Popes of Scotus Erigena's works in 855 and 1050; those of Brescia (1141); of Gilbert de la Porrée (1149); of the Abbot Joachim in 1215; of translations of Aristotle's

(1) Brown, Louise F, p. 257

philosophy in 1209 and 1231; of the Talmudic books, of books by William of Holy Love in 1256, Pierre Jean Olivi in 1325, Marsilius of Padua and John of Jandun in 1327. The books of Wyclif and Hus were proscribed first by several local councils, then individual bishops and finally in 1415 by the Council of Constance, and by Pope Martin V in 1418. Pope Pius II condemned a book he had himself written earlier, in 1463, and Sixtus IV directed the condemnation of a book by Pedro Martinez de Osma, a professor of Salamanca.

It might be asked at this or an earlier point what all this had to do with England, since the only works referred to that are recognizable as English are those of John Wyclif. It must not be forgotten that the trends in the development of Church Censorship were more fully in the future to have a direct bearing on England, and also that between the mainland of the Continent and England there was constant intercourse, especially on the part of the educated and upper classes.(1) Need it be pointed out more explicitly that the possibility existed that the Englishman abroad at the University of Paris or Cologne or elsewhere on the Continent would imbibe some of that literature which the Church recognized as poisonous?

At this point in his historical sketching of the development of Church Censorship,(2) Pernicone inserts between the first two sections an account of some of the new developments in the period between the twelfth and the fifteenth

(1) Cambridge History of English Literature II, pp. 387, ff. Chap. XV.
(2) Pernicone, pp. 35-38.

centuries. A commentary on Boethius in 1148, by Gilbert de la Porrée, probably marks the first instance on record in which a book considered condemned would remain so until corrected by the Church at Rome; this was the precedent that introduced the (later well-known) clause "donec corrigatur." The condemnation incidentally of a book on Boethius might be far-reaching for Boethius' work was one of the great favorites of the Middle Ages and had a profound influence on Alfred's work[1] as well as that of Chaucer and other English writers.[2]

About this time, the Church saw fit to limit the use of the Bible[3] since heretics misused the Scriptures for their own ends and to the perdition of themselves and others. The application of this to England can be seen in Cardinal Merry del Val's preface to the 1930 Index of Prohibited Books (English Edition, p.X) when he made reference to the followers of Wyclif:

"It was only in consequence of heretical abuses, introduced particularly by the Waldenses, Albigenses, the followers of Wyclif, and by Protestants broadly speaking (who with sacrilegious mutilations of Scripture and arbitrary interpretations vainly sought to justify themselves in the eyes of the people; twisting the text of the Bible to support erroneous doctrines condemned by the whole history of the

(1) Nelson & Thorndike, p. 14. Camb.Hist. of English Lit. I, 236,396; II 275,281,403,408,411,516; II 411; III 330; IV 466; I 101,109 ff,118,487,488,490.
(2) Cambridge History of English Literature: II 184,185, 212,361; IV 482.
(3) French translations were forbidden the people of Metz in 1199, and in 1229 the Albigensian heresy necessitated a ban except Psalter, Breviary and Office of Our Lady.

Church) that the Pontiffs and the Councils were obliged on more than one occasion to control and sometimes even forbid the use of the Bible in the vernacular."

Footnoting the quotation, Pernicone comments[1] that these and similar restrictions on the use of the Bible -- and in England the Bible for one reason or another we shall see was censored in 1409, 1525-6, 1535, 1555, 1631, and since 1930 is permitted in translation in the vernacular only if approved by the Holy See[2] -- are necessary for its integrity and the good of the people, have recurred in every succeeding century, and are today to be found in the Code of Canon Law (Canons 1385, 1,2; 1391; 1399, n.1, n.5; 1400). The attitude of the Church is not against the Bible but in favor of those editions produced under her supervision, and therefore, free from poison.

Occasionally[3] after the middle of the thirteenth century, groups of Cardinals or theologians or combinations of both were commissioned to examine suspected books. These were forerunners of the two Congregations of the Holy Office and of the Index, which were formally established in the sixteenth century.

Another progressive step about this time in the history of Church Censorship was preventive censorship. The Church hitherto had been condemning evil books in order to protect the faithful from doctrinal and moral errors and in order to defend the truths of Christ, but fully to carry out its

(1) Pernicone, p.36.
(2) Haight, "Banned Books," pp. 4-6.
(3) Instances occurred in 1252, 1325 and 1327.

duty it began to exercise its right to examine books before they were given out to the public. The advantage of preventive censorship lay in its obviating any possible financial (or even moral) loss to an author, which is apt to follow the condemnation of a work previously published, and averting the spiritual ruin of many whom a subsequent prohibition might not affect. Since in the early days of the Church individual approbation of each book was not requisite, it became the custom to allow the book if it carried the name of the author and he was orthodox; otherwise, the book was forbidden. And yet, in many cases, certain authors (like St. Augustine) sent their works to the Pope for approval. In time the custom arose of sending him every book on dogmatic subjects for his approbation. However, it became necessary to devise new methods to cope with the growing unwieldiness and impracticality when with the invention of printing in the fifteenth century, books, both good and bad, became multiplied by the hundreds.(1)

Hitherto the majority of condemnations were chiefly of a theological nature but now, although the discovery of printing created a facile and rapid means by which the doctrines of faith, the moral precepts and the sciences could be spread, the press also provided the means for spreading extensively all sorts of books harmful to the truths of religion and good morals. At first the Church rejoiced in the new means of spreading God's word and ignored early abuses, recognizing that some such abuse, by the law of averages, was to be expected, but soon, as the wide

(1) Britannica, Vol.14 (11th Edition) p.374.

and cheap diffusion of all kinds of books continued and the evil grew steadily worse, the need for new and stricter precautions against heresy and immorality became felt.(1) More than one Pope (Sixtus IV in 1479 and Alexander VI in 1501) gave strict laws to their archbishops (of Cologne, Mainz, Trier, and Magdeburg) regarding the growing abuses of the printing press and the harm caused by bad publications.(2) In this connection a few "firsts" might be mentioned. The first printed work against which action was taken by the Church authorities is an anonymous pamphlet entitled "Disputatio seu Dialogus inter clericum et militem super potestate ecclesiastica"; it attacked the superiority of the ecclesiastical authorities over the civil authorities, and the immunities of the clergy. In 1478, the Church authorities of Cologne were granted by the civil magistrate powers to prosecute the printers of this pamphlet. It circulated so widely that the rector and deans of the University of Cologne appealed to the Pope, Sixtus IV, who granted them the fullest powers(3) in 1479 to punish by censures all printers, buyers and readers of heretical books. This is recognized as the first papal decree of prohibition directed against printed books. Aware of the fact that untold harm had been threatening the fold in spite of the prohibitions being enacted by the different bishops, Pope Innocent VIII, among other bulls condemning particular books, ordered by the Bull "Inter Multiplices" in 1487 censorship of books for the entire Church, making thereby the first instance of a general papal legislation on censorship of printed works.

(1) & (3) Hilgers, p.521.
(2) Britannica, Vol.14, p.374. Hilgers, p.521.

In this Bull, Pope Innocent ordered under pain of excommunication and of a pecuniary fine such strong and thorough-going regulations which, if followed, would surely have gained his aim. No works were to be printed without the permission in Rome of the Magister Sacri Palatii, and elsewhere of the Ordinary, to be granted only after a careful examination of the writings in question. This Bull applied to all works on any subject and this application existed until the nineteenth century when once again, as in medieval times, only religious and ethical books became the object of preventive censorship. Another rule made mandatory by the same bull was that all printers should present complete inventories of the works they had published. Any works submitted thus wherein anything contrary to Catholic faith, impious, adverse, scandalous or evil sounding, existed were to be burned, the authors sought out and if necessary punished with ecclesiastical censure, and the Church authorities were to seek the aid of civil authorities.

Strangely enough this Bull was ignored even in Italy and Rome, and promulgated only by the Archbishop of Cologne, and the poison of evil books continued. An almost identical Bull in 1501 was issued by Pope Alexander VI for certain ecclesiastical provinces(1) imposing on those opposing or rebelling against the measures the sentences, with the aid of civil authority, of excommunication, suspension, interdict, etc.

The same censorship of the press was extended with some slight changes by Leo X at the famous V Lateran Council in

(1) Britannica, Vol. 14, p.374. Hilgers, p.521.

1515, a hallmark in the history of Church Censorship in that it was the first general decree that was universally accepted.[1] An impressive fact appears in the bulls of Innocent VIII, Alexander VI, and Leo X, in that scrutiny of books before going to press did not have to be made by the Bishop if he were not proficient in the matter in question but might be delegated to any expert, lest a book be unjustly forbidden through the censor's ignorance.

Luther and the printers of his pernicious writings utterly ignored these Papal demands and his errors spread throughout Germany and other countries (England).[2] To combat this, Leo X issued the bull "Exsurge Domine" in 1520,[3] condemning therein Luther's errors (as he had also done in 1517) and all his writings, whether printed or still to be printed, forbidding them to Catholics under severe penalties.

An enactment of civil censorship, said to be the most important of its kind, was the edict of Charles V, who, in 1521, in connection with the Lutheran heresy, not only forbade the printing, selling, buying and reading of Luther's books or others attacking the Pope or the clergy but also commanded all civil authorities under him to burn all such works whenever found, to imprison the writers, printers and sellers of the same, and to confiscate their goods. Hitherto ecclesiastical efforts had been seconded only by a few states but henceforth Church and civil authorities were to coincide in the matter of censorship throughout the greater part of the

(1) Hilgers, p.521.
(2) Robinson, C. - England, A History of British Progress, pp.196-9.
(3) Hilgers, p.521.

civilized world. Charles V's imperial edict was but the beginning of similar laws for similar action taken by Francis I in France (1521); in Milan in 1523; by Henry VIII in 1526 in England, on whom for a treatise he had written to uphold the Pope's position against Luther, the Pope bestowed the title "Defender of the Faith,"[1] a title still held by England's kings. In Catholic states these civil prosecutions, sporadic before 1521, became more regular, but the Protestant states and free cities opposed the laws of imperial censorship and passed laws in their own favor against Catholic books.

Luther and those who used his books were condemned and excommunicated by Clement VII in 1524, but the Lutheran heresy spread notwithstanding. Pending a General Council by the Church, Paul III in 1542 instituted the Universal Roman Inquisition or the Congregation of the Holy Office. Since one of its purposes was to judge all doctrines propounded in any part of the Church orally or written, its duty naturally consisted in examining and condemning all evil books.

The continued spread of evil literature grew so that more comprehensive and efficacious methods were required and the faithful lacked a complete list of forbidden books. It was to satisfy this need that Paul IV in 1557 entrusted to the Sacred Congregation of the Inquisition the assignment of drawing up a complete catalogue of forbidden books.

As the first edition did not satisfy the Pope, it was never published, so on Papal order the Congregation prepared

[1] Robinson, p. 199

a larger and more comprehensive Index, which was printed in 1558 and distributed in 1559. This is the first general Roman Index ever to be published and the first one ever to have the name Index.[1] Its extreme regulations itemized:

1. Names of heretical authors whose works are all forbidden.

2. Forbidden books of known authors.

3. Forbidden anonymous works.

The rigorous regulations of this index were mitigated[(2)] (according to several earlier authorities in 1561 but according to Hilgers, 1559) so that

1. Books which had been forbidden simply because published by suspected printers were removed from the Index.

2. Translations of Catholic works, made by heretics, if cleared of heresy, are to be removed.

3. Catholic books on the Index because preface, summaries, or explanations were written by heretics, if cleared of them, are to be tolerated.

Some editions of this Index contain the revocation of permission previously granted Bishops, Cardinals, etc. to read heretical books, (but not that to Inquisitors).

In 1546 the Council of Trent drew up a decree establishing the Vulgate as the authentic Bible for use in public discussions, sermons, etc., and forbidding the printing of books on religious subjects without previous ecclesiastical approbation. A committee of the most learned and prudent Fathers in the group was selected to study the question of book censorship, and suggestions from the public were sought. By 1563, they presented their legislation on dangerous literature,

(1) Hilgers, p.521.
(2) Britannica, p.374, Vol.XIV.

which consisted of a catalogue or Index of forbidden books and the following ten general rules which in the future were to regulate the censorship, expurgation, and reading of books.

1. All books, condemned before 1515 by Popes or Oecumenical Councils remain forbidden though not in the Index.

2. All books of heretical leaders published after 1515, and those on religion by heretics are absolutely forbidden.

3. Latin translations of ecclesiastical writers, edited by condemned authors, if containing no error are permitted. Latin translations of the Old Testament may be permitted by the Bishop under some conditions, but the translations of the New Testament by authors of the First Class cannot be allowed.

4. The Bible translated into the vernacular by Catholics may be permitted in writing by the Bishop to those who will derive benefit from it. Violators are to be punished.

5. Collections of otherwise good works (e.g. Lexica, Concordances, etc.) compiled by heretics are to be permitted, after any necessary expurgation.

6. Works containing in the vernacular controversies between Catholics and heretics are allowed under the same restrictions as the vernacular Bibles. Pious books are permitted and, if expurgated, even books of Catholics condemned in some localities.

7. Obscene books, except the old classics, are forbidden.

8. Books, the principal part of which is good, if cleared of all objectionable portions, can be permitted.

9. All superstitious books, e.g. of magic, are forbidden.

10. Preventive censorship is required for all books. The regulations concerning it are about the same as those laid down by Leo X at the V Lateran Council

The penalty for reading or keeping heretical books is excommunication.

This Index, the Tridentine, is the first that, besides the catalogue of forbidden books, gave general rules to guide a reader for books not represented in the catalogue. It was approved and promulgated in 1564.[1]

It might be a good idea at this point to follow the suit of Pernicone and quote likewise from George H. Putnam's study of the censorship of the Church of Rome. Both Pernicone and Putnam recognize[2] that the Catholic Church and its rulers were not the only ones who realized the vast influence of the printed word and sought to control literature, for the Protestant sects and Protestant rulers, similarly convinced of the power of the press, took every possible measure to curb all literature opposed to their creed or their aims; they further add that Protestant enactments surpassed both in number and rigor all similar Catholic decrees and often were characterized by far greater bitterness and brutality. From the very beginning, says Putnam, the leaders of the Protestant Reformation believed as thoroughly in the necessity and rightfulness of the censorship of literature as did the ecclesiastics of Rome or of Spain. He recognizes, however, that the Protestant ecclesiastics were not as powerful as the Roman authorities for they lacked the dread penalty of excommunication; this lack forced them to rely upon the civil authorities of their several States for carrying out the provisions of whatever censorship policy as might be decided on and concerning the wisdom of which they had been able to convince their civil rulers.

(1) Hilgers, p.521.
(2) Pernicone, p.50.
Putnam, pp.49 ff., Vol. I.

Aside from religious censorship which sought to maintain a definite creed and preserve "sound" theology from attack, there are on record many attempts of political censorship that have continued up to the present day -- in other words, the control of literary production for the good of the State. Putnam admits that the series of Protestant prohibitions, whether ecclesiastical or political in origin, does not compare favorably with similar ones authorized by the Church of Rome. They lack consistency of purpose, are far more considerable, and (except in the Roman Catholic in Spain) considerably bitterer and more brutal. The censorship policy of the Protestants proved more spasmodic and its motives were inspired by such less dignified and wholesome purposes as the spirit of faction or personal grievance whereas the political censorship was determined by the controlling party or the currently favorite minister of the king.

These views are expressed by Putnam, a non-Catholic, whose attitude throughout his two-volume study of Rome's censorship is consistently anti-Catholic.(1) When with such an attitude toward his object of study any generosity reveals itself on the part of the writer, it may be safe to suppose that facts but grudgingly yielded must be so.

In order to render easier the enforcement of the rules of the Index of the Council of Trent, Pope Pius V ordered in 1570 the expurgation of some forbidden books to allow their use by students. The following year, 1571, he estab-

(1) Fr. Hilgers took the work of Putnam over the coals in his critical review in 1908 of Putnam's "The Censorship of the Church of Rome" (cf. Hilgers: "The Roman Index and Its Latest Historian").

lished the Sacred Congregation of the Index,[1] turning over to it all matters relating to censorship and the prohibition of books, leaving to the Holy Office the examination and proscription of books only when exceptionally destructive of faith and morals. Succeeding Popes either confirmed or carried the powers of the Congregation further; for instance, Pope Gregory VIII (1572) gave it exclusive and universal powers to explain, reform, and direct the legislation of the Index. Although Sixtus V reorganized the Roman Congregations in 1588, he left the Congregation of the Index alone except to define its rights. This Pope died before a new Index amended in 1590 could be approved and it was never promulgated. However, by 1596 a still newer edition was ready and promulgated by Clement VIII, but amounts to nothing more than an amplification of some censorship rules defined in the V Lateran Council (1515) and of the Tenth rule of the Index Tridentimus.

The next important date before the work of Benedict XIV in 1753 (up to which time many books, especially Jansenistic, were forbidden by the Congregations of the Inquisition and the Index, and by special Papal decrees) is 1664, when Pope Alexander VII published an edition of the Roman Index which was the first to abandon the three-class division introduced by Paul IV and to list all the books and authors alphabetically.

In 1753, Benedict XIV laid down detailed rules for the Congregations of the Holy Office and of the Index to observe

(1) Catholic Encyclopedia, XIII, 143 and The New Catholic Dictionary, p.475. Also Hilgers, p.522.

in the censorship and prohibition of books. These rules are today pointed out as convincing answers to the constant objections to Rome's prohibition of books, and are further important in being the form today being followed by the Holy Office in its censorship. Accompanying these rules, the Pope stated the duty of the Holy See to forbid evil books and gave a brief history of the Church's legislation on books; then a complete picture of the Church's scrupulous care taken before prohibiting a book, and finally to avoid criticism of her procedure in examining and prohibiting books, regulations to be followed in every case.

Further, he gave the Church a new revised Index of forbidden books, free from the many typographical and other errors to be found in earlier editions, and rated as the best edition published before the Leonine Index of 1900.(2)

During the period of the next century and a half, practically all of the Indexes were little more than reprints of the Benedictine Index plus a list of works prohibited since the last preceding one; but there was definitely not much development in legislation regarding literature. The various Popes who succeeded Benedict XIV continued to exhort the faithful to observe the laws and the Bishops to enforce them.(3)

The time had come for the Church to recognize the unwieldiness of the task before her, and to do something about it. She did both. No matter how great her vigilance and the will to cooperate with her might be, the change of times

(1) Hilgers, p. 523.
(2) Pernicone, p.57 (Hilgers, Der Index, p.14).
(3) Clement VIII, 1766; Leo XII, 1825; Gregory XVI, 1832; Congregation of the Index, 1828 & 1836; Pius IX, 1849 & 1858. (cf. Pernicone, p.58.).

and the circumstances as well as the tremendous output of literature rendered it well nigh impossible, at any rate impractical, to carry out some of the old rules. In time, she saw fit to abrogate many of them or approve contrary to customs, by special decrees. Since ecclesiastical authorities couldn't hope to examine all writings on every subject prior to publication, or frequently visit all the bookshops or printing houses looking for forbidden books, or for the proprietors to have complete lists signed for approval, the custom developed of submitting for censorship works only of religion and morality. Pius IX legalized this in 1848 for the Papal States, and in 1869 it was officially applied to the rest of the world, by restricting to excommunication for failure to submit their works for censorship, only those who wrote and printed Scriptural works.

The abuses from this new system worked both ways -- from the overscrupulous and from the deliberately evasive -- so Pius IX, after consulting with experts, decided to change the Index Rules. About the same time many of the Bishops meeting at the Vatican Council and many others throughout the world likewise requested a change in the entire legislation. The Vatican Council adjourned without anything being discussed on the matter, and the matter lagged until the great Leo XIII resumed it in 1897, finally to give the Church a new Index legislation that could be applied, and offset the current evil of pernicious literature. The research and study was delegated to the Congregation of the Index, which went about drawing up new general rules, and revising and

improving the Index of Prohibited Books. The work was promulgated in 1897 -- known as the famous Constitution "Officiorum ac Munerum" -- and the new Index of Leo XIII was published in 1900.

The general rules supplant and completely abolish all earlier legislation even the important Tridentine Rules [1] although not the 1753 Constitution of Benedict XIV. The work has two great divisions -- the Prohibition of Books and the Censorship of Books. Since the few changes in Index legislation after the Leonine in 1900 have been comparatively slight and it is by his rules that the faithful are practically governed on that subject today, it might here be well to borrow further from Pernicone[2] his summary of the Leonine Rules.

Briefly, the rules on the Prohibition of Books are these ten:-

> 1. "All books condemned before 1600, including those not found in the Index, unless permitted by these decrees, are forbidden together with the works written by apostates, heretics and schismatics in defense of heresy or schism, and those which undermine the very foundations of religion. Moreover, all the books of non-Catholics on religion are forbidden unless it is certain that they contain nothing against the faith."
>
> 2. "The Scriptures, edited or translated by non-Catholics, are allowed only to students of theology or Scripture."
>
> 3. "Translations of the Bible in the vernacular are permitted only if approved by the Holy See or edited under the vigilance of the Bishop with annotations taken from the Fathers and from learned Catholic writers."

(1) Hilgers, pp.522-523.
(2) Pernicone, pp. 60-63.

4. "Books ex professo obscene are prohibited. The classics are permitted to teachers and others who need them."

5. "All the books attacking Catholic doctrines, institutions or practices, the Hierarchy or the Apostolic See are condemned; also books teaching magic or other superstitions, works defending duel, suicide, divorce or forbidden societies. Writings on new apparitions, revelations, miracles, etc., are forbidden, if published without the approval of the ecclesiastical superiors."

6. "Holy images opposed to the sense of the Church and books containing apocryphal indulgences are condemned. New images and all works on indulgences must be approved by the proper authority before publication."

7. "All unapproved liturgical and prayer books and litanies are forbidden."

8. "Newspapers and magazines which of set purpose oppose religion or morality, are condemned and Catholics, without a just cause, should not write in them."

9. "Only the Holy See, and, in particular and urgent cases, the Ordinaries can grant permission to read forbidden books."

10. "It is the duty of all Catholics, and especially of the Papal Legates, the Ordinaries and the Rectors of Universities, to denounce pernicious books. The Ordinary should forbid in his diocese all evil writings, and send those which need closer examination to the Holy See."

The other part of the Leonine Index (1897-1900) has to do with the Censorship of Books and is composed of the following five chapters:-

1. "Bibles cannot be printed without the approbation of the Holy See or the Bishop. Books forbidden by the Holy See can only be printed with the permission of the Congregation of the Index. Books pertaining in any way to the beatification or canonization of the Servants of God may not be printed without the permission of the Congregation of the Sacred Rites, nor can collections of the decrees of any Congregation be published without the authorization of the Congregation concerned. Vicars and Missionaries Apostolic are to follow the rules laid down by the Congregation of the Propagation of the Faith. All other works subject to previous censorship are to be submitted to the Ordinary, and, if the author be a religious, to the religious Superiors also."

2. "The censors must be men of learning and piety, and must set aside all personal feelings and seek only the Glory of God and the good of souls. The Imprimatur(1) is to be given gratis."

3. "All the faithful must submit for previous censorship at least those books which deal with the Sacred Scriptures, theology, Church history, canon law, natural theology, ethics, and in general all writings which have a special reference to religion and morality. Secular priests must consult their Ordinary before publishing any work or editing newspapers or periodicals."

4. "A book subject to previous censorship must bear the name of the author and of the editor. Works condemned by the Holy See are forbidden everywhere and in all languages.(2) New editions of approved works must be examined before their publication. Booksellers, especially Catholics, cannot handle obscene books. They must have permission of the Holy See to keep other prohibited books on sale."

5. "The sanction for these decrees is: "Anyone who knowingly reads, keeps, prints, or defends books of apostates or heretics which defend heresy or any other book prohibited by name through an Apostolic letter, incurs ipso facto an excommunication reserved in a special way to the Roman Pontiff. Those who print or cause to be printed books of the Sacred Scriptures or annotations or commentaries on the Bible without the approval of the Ordinary or of the Holy See, incur an excommunication not reserved to anyone. All the other violators of these decrees are to be warned by the Ordinary and, if necessary, punished with canonical penalties."

In addition to these rules, many of which derived from earlier legislation but were now in a softer tone, Leo's reform included another larger section which was a catalogue of forbidden books. Preceding the whole was an important

(1) This is the word, meaning "it may be printed," placed at the beginning or end of certain things published. It shows that those publishing them have complied with the law of the Church, which requires that writings or given topics, or even some images, be submitted to an ecclesiastical censor for examination before they are put forth. New Catholic Dictionary, p.474 and based on Catholic Encyclopedia and Augustine,P.C. "A Commentary on Canon Law." For a typical Imprimatur page, please see Index - at end of this dissertation.

(2) Pernicone points out (p.64) the Leonine legislation was binding on the whole Christian world, including English speaking countries, as the Sacred Congregation of the Index answered on May 23, 1898.

Preface by Fr. Thomas Esser, O.P., the Secretary of the Congregation of the Index. In this he pointed out that absence of a title from the catalogue of forbidden books did not exonerate the work; the other determining standard is that it must in no way fit into any of the classes of books contained in the general decrees.

Fr. Esser anticipates the objection then to the necessity of any Index if the general rules so aptly cover the ground with the further explanation that there is always some particular reason for a book's being on the Index --- perhaps for containing errors and truths so carefully mixed as to confuse and be unrecognizable by the average Catholic; perhaps because there is doubt as to its orthodoxy; perhaps, a condemnation from Rome would be for the greatest common good. Other advantages are that a book placed on the Index might be one subversive to faith and morals, but not specifically covered by any one decree, and that finally books on the Index provide definite examples of what the Church judges evil literature, and this makes for a better understanding of the rules.

Pernicone's last division of the historical survey goes from the Leonine reform to the present day, a period characterized by but few and slight changes. This leads to the conclusion that today the faithful are governed practically by Leo XIII's Index in the matter of book legislation. In both 1904 and again in 1907 Pius X, laying down certain restrictions on the clergy regarding literary activities, called attention to certain paragraphs of the Leonine Index.

Under Pope Benedict XV, in 1917, there occurred two very important events. The first was the abolition of the Congregation of the Index and the delegation of its duties to the Holy Office. Circumstances, says Pernicone,(1) had made its foundation necessary in 1571 and different ones now made its abolition most advisable. It would seem more consistent that, since it was the province of the Holy Office to safe-guard the doctrines of faith and morals, and that is the aim of book censorship, it should be in charge of it; further it precludes many controversies of competency. The other highlight of Church history in 1917 was the promulgation of the Code of Canon Law, into which the Leonine legislation was embodied practically verbatim and with but slight changes.

Repetitions or reprints, since 1900, of the Leo XIII Index have taken place(2) but the major difference in each new one is merely the addition of books printed in the meantime, plus corrections. The latest Index was made under Pius XI in 1929, says Pernicone, who, since the death of Fr. Hilgers, is the greatest authority on the subject.(3)

(1) Pernicone, p. 65
(2) 1917, 1922, 1929.
(3) Fr. Pernicone's book was published in 1932. Since the accession of the present Pope, Pius XII, I have watched for Index legislation, but there has been none.

THE CHURCH OF ENGLAND[1]

In order to understand fully the history of English censorship, one must take definite recognition of what is the official Church in England today, namely the Church of England. A survey of its history will bring us into close association with many of the highlights of "Church" censorship in England after the separation from, or break with the Church of Rome; and although it is my plan to take up censorship in England proper in chronological detail, to give the effect of continuity even at the expense of some repetition, I feel it best to sketch hastily the story of the Church of England in order to make clear its bearing on censorship in England.

The Church of England, legally established as the English National Church, may be looked upon as a product of the Reformation. As such it dates from the refusal of Henry VIII to own further allegiance to the Pope and the declaration of the king that he was the head of the Church in his dominions. (Easily does it become apparent that the new Church is the State Church and any censorship it may exert has the advantage of civil as well as ecclesiastical authority.) We need not go into great detail to discuss its theological rightness as that is beside the point of our interest. Suffice it to say, however, as Schaff does, that in theology it is in general harmony with Protestantism, but in government it claims to have retained in unbroken succession from the Apostles, and hence from Christ

(1) This material on the development and history of the Church of England is taken from the account by D. S. Schaff in the Schaff-Herzog Encyclopedia of Religious Knowledge, Vol. 4, pp.131-137. Schaff divides his account into two parts: (1) The Pre-Reformation Period; (2) History from the Reformation.

Himself, the three major orders of bishop, priest, and deacon. In ritual and worship it has a uniform order of church service, deriving directly from ancient and medieval rituals. It holds an intermediate position between the Latin communion and the churches of the Reformation. Many Anglicans, says Schaff, regard the Reformation as merely an incident in the history of the Church of England; this, according to them, did not interrupt its historic continuity, which is held to date from Augustine, and even from the Celtic Church. Yet others--and they comprise a considerable number, especially in the High Church party,--regard the Reformation as a serious, almost criminal mistake.

If then the Church of England dates back to Augustine, and it is safe to accept the view that the history of early Christianity in Britain, reported by Tertullian in the third century, was the same as that of early history of the Church of England. It was in this early period of the Celtic Church that the heretic Pelagius was produced, and against whose book Pope Innocent I issued a condemnation for containing the erroneous teachings of Pelagianism (i.e. The denial of the necessity of grace).[1]

The Saxon period dates with the arrival in England of Augustine in 597, who as Archbishop of Canterbury conflicted with the bishops of the old British or Celtic Church, but eventually as exponent of the Roman type of Christianity prevailed. Under Augustine and later Theodore of Tarsus, the English episcopate became more fully organized and the dioceses became grouped

[1] Pelagius was the first British author; his birthplace, of doubtful location. We know he journeyed through the Southwest of England en route to Rome.
C.H.E.L., Vol. 1, p. 72; Cath. Encycl., Vol. 11, pp. 604 ff; Britannica (11th Ed.) Vol. 21, p. 63

around Canterbury as the Central and Superior See. This situation has maintained itself down to the present-day organization of the Church of England, wherein we see that the Archbishop of York is primate of England, and the Archbishop of Canterbury is primate of all England.(1) It was in this period that monasteries were founded, and here and there certain solitary literary figures stand out prominently like Caedmon, the monk of Whitby; or Bede, "the father of learning"; or Alcuin, the scholar whom Charlemagne called to his court; or Alfred, the great Christian king and patron of letters. These men all exercised a certain amount of literary censorship in their choice of subject matter. When they chose to inspire or instruct men (mostly the clergy), it was for the good of their souls; even the lay figure Alfred is not excluded from this classification. Their choice of subject matter, or in the case of Alfred what he selected to bring as culture to his subjects,(2) created an elimination ipso facto of any other material, and this was a form of censorship already touched upon earlier in this thesis.(3) Unlimited credit is generally bestowed on the medieval monasteries for keeping alive and alight the torch of learning, but the world is not generally aware of some of the harm those same monasteries could work as well. In more than one instance, barbarous mutilations of ancient authors took place.(4) In the general stagnation of commerce, we find that parchment was hardly procurable at a distance from the great marts. Hence, the monks scraped and effaced

(1) Busch, Noel F: biographical article in Life, Dec.25, 1930, pp.48-53 on the Archbishop of Canterbury.
(2) Nielson & Thorndike, p.4, 14, 15, 24.
(3) cf. supra, P.5.
(4) Vickers, R.H: in "Martyrdoms of Literature," chapter entitled "Books in the 13th century," pp. 86-93.

classic works in order to make room for medieval litanies. This practice was very general; and the histories of Livy and Lucretius were replaced by miracle myths and legends.

One should not fail to notice how the Danish invasions devastated the property of the churches and the monastic orders, but this was overcome in part by the judicious wisdom and enlightened zeal of Dunstan (959-988), who repaired their ravages and brought about a more compact organization of the clergy. Dunstan was the first of many great English ecclesiastical statesmen; during the reign of the invalid Eldred, it was he who guided the state and was largely responsible for the increased acknowledgement of papal rule. However, under the later Saxon kings, the Church sank into ignorance and corruption.

The Norman period, dating from the Conquest in 1066, was distinguished at first by the complete vassalage of the Church to the Papal See, the subjection of the State to Church control, and the increasing corruption of the clergy. But the State and the people sought release -- the State from ecclesiastical control by legislation, and the people from clerical incompetency and scandal by reform in the life and doctrine of the Church. William the Conqueror substituted Norman prelates for Saxon bishops (except in the case of Wulfstan of Worcester) and insisting upon the right of investiture as his royal prerogative, he chose all ecclesiastical dignitaries himself, thus creating the feud between the Church and State. One succeeding archbishop after another contended with the crown -- Lanfranc (1070-89), Anselm (1093-1109), Thomas à Becket (1162-70). It was Thomas à Becket, whose attitude brought out the famous Constitutions of

Clarendon in 1164, forbidding the reception of Papal briefs into England without the royal consent, or the departure of prelates to Rome without same consent. Becket's murder defeated its purpose, for the State as a national body came under the ecclesiastical power of Rome under King John.

In the pre-Reformation resistance to Rome that typified much of the 13th and 14th centuries, there are occasional hints of germs of censorship to be read into the friction that broke out again. One hint is to be found when a great bishop like Grosseteste, recognizing that the Dominicans and Franciscans had lost their hold on the popular mind, raised his voice against clerical corruption and papal forcing of appointments within the diocese, and insisted upon the authority and preaching of the Scriptures. Or again, the great 13th century chronicler Matthew Paris helped effect remedial legislation against ecclesiastical domination and abuses. This ties in with censorship when we notice in the statutes of "praemunire" and "provisors" (1351, 1391, etc.) that a royal license was necessary to render valid within the realm all papal appointments and bulls.

In the 14th century we find loud protests being heard from both the people and the clergy in their resistance to Rome. Edward III's Parliament definitely refused payment of the annual tribute promised by John to the Apostolic See. John Wyclif (1324-1384), called "the morning star of the Reformation," translated the Scriptures and asserted the rights of the State and the individual conscience. He published in 1381 twelve theses against transubstantiation, and declared that the Lord was in the Sacrament as a king is in his realm. He emphasized the

practice of preaching, denouncing the idleness and ignorance of the monks, calling the Church "the organization of the elect," urging the Pope to give up his pride and wealth. William Longland, we are told, without Erasmus' scholarship, but in a more popular and earnest vein than Erasmus, ridiculed the friars in rimes. The Lollards, says the chronicler Knighton, were so numerous that every other person on the road was one. It is obvious that such freedom in expressing one's views would run amuck of such power as was that of the Church, and the energetic opposition of both Church and State effected either silence or recantation. A statute for burning heretics was enacted in 1401. By the order of the Council of Constance (1415), Wyclif's ashes were disinterred and scattered in the Swift. The Church, says Schaff, slumbered on for nearly a century longer, but the great movement finally came, out of which Christianity in England, again crystallized in a distinctly national Church of England, started forward on a career of renewed life and achievement.

The Reformation movement in England was inspired by the same general principle of protest against ecclesiastical corruption as on the Continent, and yet it possessed at the same time a distinguishing flavor all its own. Definite circumstances different from those on the Continent had been preparing the way for England's Reformation. The early 16th century in England revealed, even as on the Continent, a mighty intellectual movement. This was shown by the revival of classical learning with such names as Erasmus, Colet and More; the bold satires[1] on clerical

(1) cf. supra, p.11.

abuses,[1] the independence of thought in Erasmus' appeal to the Greek New Testament in the preface of his edition (Basel, 1516); and More's dreams of improvement in Church and State in his Utopia. Erasmus' daring was repeated in 1526 by Tyndale's translation of the New Testament which amounted to open revolt and circulated widely despite ecclesiastical disapproval. Luther's words from across the channel, we are told, found ready ears that heard them denounce papal domination as the Babylonian captivity of the Church. Wolsey publicly burned Luther's tracts in 1521 but failed to check the growing movement against Roman Catholic rule.

Henry VIII had little or no sympathy with the Continental Reformation but his attitude came to provide unintentional aid on his part. The open rupture between Rome and England was forced not as the protest of religious principles against ecclesiastical abuses but as a political expedient used by Henry to accomplish his divorce from Catherine of Aragon and his marriage to Anne Boleyn. In 1531, Henry found Wolsey had exercised the function of legate without the royal consent and demanded, even after evidence of Wolsey's submissive temper, that he be recognized as "chief protector, the only Supreme lord and head of the Church and clergy in England." The Convocation of Canterbury qualified this to read "so far as the law of Christ will allow." In 1534, Henry, impelled by the Pope's command to take back Catherine, had the Act of Supremacy passed, which made all papal appointments within the realm invalid and placed in the crown

(1) It will be recalled that the attempt to avoid censorship and oftentimes the fatal expression it could take was responsible largely for the vast body of satire which helps comprise English literature -- cf. supra, p.11.

unlimited authority to correct ecclesiastical abuses. This marks definitely the severance of the English Church from the papal communion and establishes it as an independent body. In 1536-39, Henry made bold use of his new authority and abolished the monasteries, confiscating their wealth. Henry attacked Luther on the seven sacraments, and Luther's rude reply confirmed Henry against the Reformation. The Convocation in 1536 retained many of the Roman doctrines (e.g. that of the Real Presence, use of images, prayers to saints, purgatory, auricular confession). The King, says Schaff, seemed to take higher ground when he gave his sanction to the translation of the Scriptures known as the Great Bible (1539). This is a bit of let-down in the censorship of the past years, for such freedom of translation had not been in effect. All hopes of a thorough doctrinal reformation failed until the following reign. The six so-called "Bloody Articles" of 1539 denounced all denial of transubstantiation as heresy and anyone who denied it was burned. This shows us the censor well along the way of his onward march.

Under Edward VI (1548-53), the Six Articles were repealed. A Prayer Book was issued in 1549, and the Forty-Two Articles were drawn up in 1552, declaring the Church of Rome had erred both in its living and manner of ceremonies and also in matters of faith. They went on expressly to deny transubstantiation; to permit the marriage of the clergy; to discontinue auricular confession; and to approve both kinds of communion. With their adoption, Schaff marks the close of the formative period of the Church of England.

The censorship pendulum kept swinging back and forth, its scope and speed depending on who was on the throne the next years.

During the reign of Mary (1553-58), a firm adherent of the Roman Catholic faith, it was to be expected that she should use (as she did) every means in her power to check, if not to crush the Reformation, and reestablish papal control over the English Church. The pendulum swung back under Mary and we find her resorting on more than one occasion to censorship to effect her end.(1) Mary's intolerance forced many to flee to Basel and Geneva and brought such men to the stake as Hooper, Latimer, Ridley, and Cranmer,(2) just as her father's had brought to a similar fate such men as Wolsey and More.

Elizabeth's accession in 1558 restored the independence of the Church of England. During her reign, the separation of the National Church from the Roman Catholic See was completed and the conflict deepened versus the Puritan and Anglican schools, in favor of the latter. In 1558 the Act of Supremacy was renewed and the Act of Uniformity was passed. These are virtually censorship decrees because by the former, all allegiance to foreign princes or prelates was forbidden, and by the latter, the use of the liturgy was enforced. Although she imperiously forced her wishes upon unwilling prelates and seemed to approximate the Church of Rome in points of ritual, Elizabeth did not interfere by any measure with the results of the Reformation of her brother.(3)

Once the great question of the independence of the National Church was permanently settled, the chief remaining problem was to settle disputes between Anglicanism and Puritanism. Suffice

(1) cf. supra, p.3.
(2) Schaff claims the number of certified executions for religious reasons during Mary's reign was 286, of which 46 were of women.
(3) The reduction of the Forty-Two Articles to Thirty-Nine in 1563, the form which they are now in, in no way affected their Protestant character.

it to say for our study that Puritanism went down in the struggle which was not one of doctrine but rather a question of ecclesiastical polity, ritual, and vestments. And yet in the struggle, the sore thumb of censorship stands out again. One of Elizabeth's archbishops, Edmund Grindal, who was averse to enforcing uniformity in the matters concerned, incurred suspension from his office as primate for disobeying Elizabeth's command to suppress the Puritan "prophesyings", or informal religious harangues. By a royal proclamation, they were suppressed we find (and a royal proclamation had already required the use of clerical vestments). So it was decided not to allow unrestricted license in the matter of public worship and clerical dress. John Whitgift, who succeeded Grindal, was more to the queen's taste; the breach became wider, and the refusal of the Church to countenance any dissidence was balanced by the coarseness of the Puritans, in the so-called Marprelate controversy (1588)[1] when they issued scurrilous libels against the queen and the bishops. In 1593, Parliament brought the matter to an end by the act which made Puritanism an offense against the statute law.

During the 17th century, despite a temporary flicker of Puritanism, the Church of England became more strongly consolidated. James I completely humiliated the Puritan party by refusing the Millenary petition signed by 800 clergymen and asking for the removal of "superstitious usages" from the Prayer Book. Here was a case where censorship was sought but was refused.

(1) Cambridge History of English Literature, Vol. IV, pp.264, 367, 368, 380, 433, 436, 437, 469, 619; Vol. VII, p.488.

The High Church views of episcopacy were spreading and under Charles I (1625-49) and Archbishop Laud (1633-45) assumed an extreme form. The Archbishop of Canterbury (Abbot, 1611-35) was unable to check the spread of the views of Laud, whose fidelity to them brought him to the block in 1645.

During the Commonwealth, the Established Church was (according to Schaff) really a religio illicita, since in 1642 an act of Parliament had abolished the episcopacy and discontinued the use of the liturgy. Despite the temporary triumph of Puritanism and the establishment of a Presbyterian kingdom (1643) by the Westminster Assembly supported by strong theological intellects and the massive will of Cromwell, Puritanism in the long run failed in England. The accession of Charles II (1660) brought back the Church of England to the position it has since held, and put down by stern measures any vestiges of Puritan thought and activity. The Act of Uniformity of 1662 added its grain to the vast sands of censorship in rigidly enforcing the use of the Prayer Book, as well as depriving of their benefices some two thousand of the most scholarly and pious divines of the time. Penalties for dissent were further strengthened by the Five-Mile Act (1665), and the Test Act (1673), which excluded all Puritans from office, brought legislation against dissenters to its greatest peak.

The partialities of Charles II and James II were outstandingly pro-Catholic: Charles II being generally held as having died a Roman Catholic, and his brother as having lived as one; but the nation failed to support James so his attempts to establish toleration for the Roman Church failed. However, the

succession of William and Mary led in a new epoch (1688) in which the principle was abrogated that the Established Church had an exclusive right to existence and protection. This reign marked the beginning of a trend toward not only toleration but absolute freedom of worship and political equality without reference to ecclesiastical connection. The extension of this principle has resulted in the abolition of most (if not all) political disabilities due to religious differences. The Act of Toleration in 1689 established freedom of religious worship; in 1828, the Test Act was repealed, disabilities were removed of the Roman Catholics in 1829 and of the Jews in 1858, and the Irish Church was disestablished in 1868.

The rise of Deism was counteracted in the 18th century by the evangelical spirit and activity of Whitefield and the Wesleys, who, by their censureship like that of Wyclif of old, helped rouse the clergy from their indifference to a new sense of their spiritual obligations.

The 19th century was characterized by earnest philanthropic movements and especially by the rise of the influential Tractarian or Oxford Movement, which marked the conversion to Roman Catholicism of such men as John Henry Newman, Henry Edward Manning, and Frederick W. Faber. The counteracting views of these men and those of a group equally devoted to the Church of England which adhered to Reformation rather than to Anglo Catholic tenets were duplicated again in the divided views of other opposing groups: the High Church Group versus the Low Church Group, and even a third Broad-Church Party. And yet, though these different groups exercised what might be called unofficial private censor-

ship, or at least censureship, of the views and works of each opponent, the trend was still in the 19th century toward even greater religious independence witness to which might be brought to bear in the Parliamentary Act in 1868, relieving dissenters of Church taxation (called the Compulsory Church Rate Abolition Act), and the University Test Act (1871), which threw the universities open to all regardless of creed.

Since this time, whatever censorship has been exercised by the Church of England has been in a general sense for the good of the realm as a whole, for we must not overlook the fact that it is the official State Church and as such holds itself responsible for the spiritual welfare of the State to which it is related. Although the Church of England has had no historical production to present like that of the Roman Catholic Index, yet the general attitude of the Roman Catholic Church in the matter of literary censorship is practically identical with that of the Church of England. It is the duty, says Noel F. Busch in his Life study of the Archbishop of Canterbury,(1) to see that nothing is put over on him.(2) Generally he doesn't, and he's been caught napping only twice,(3) and surely not during the Simpson affair or the last Coronation proceedings. Neither of these occasions had any literary significance but they suggest possibilities for that phase of censorship.

It is interesting to note before departing from the study of censorship as it ties in with the Church of England that its

(1) Life: December 25, 1939, pp. 48, ff.
(2) Ibid. p.51, - "Watchdog of Parliament"
(3) Ibid. p.51 -- cf. The marry-your-aunt-Bill and extension of hours for marriage deadlines.

worship (which is liturgical) is regulated by the Book of Common Prayer; this provides regular services. Any departure, even in the smallest detail, from the Book of Common Prayer is illegal. The Church of England is one of the estates of the realm and its relation to the State is one of dependence, the sovereign being its supreme governor and Parliament its highest legislature. The Archbishop of Canterbury is the first peer in the realm and crowns the king. The bishops have their "palaces" and (except two) have seats in the House of Lords. The Church doesn't legislate for itself independently or directly but is subject to Parliament. The Convocations of Canterbury and York are the two highest official Church bodies and are assembled by the king's writ and cannot proceed to make new canons without his license, nor are its decisions valid till confirmed by his sanction. There are three courts of judicial business; the last tribunal of appeal is the king in council or the judicial committee of the Privy Council. There are three censures: suspension (for the neglect of parish duties); deprivation, and degradation. The two latter follow upon disuse of the Prayer Book, teachings subversive to the Thirty-Nine Articles, simony, or conviction in a civil court. We must not forget, says Busch in commenting on the demands upon the Archbishop of Canterbury, that the Church of England is one of the most astonishing organizations on the face of the globe.(1) The Church of England and its affiliates contain over forty million members, scattered from Hudson Bay to Singapore. It runs almost fourteen thousand churches and almost nine thousand schools in England alone. Considering the close relationship between the

(1) Busch, p.48.

Church and State, it is quickly apparent what an important organization this ecclesiastical enterprise really is, and what a strong force for censorship it can be. Busch finds the position of the Archbishop of Canterbury analogous to that of Chairman of the Board, the Board being the Assembly of the Church of England; the only rivalling figures among spiritual world rulers being the Pope (Catholic) and the Emperor of Japan (Shinto).

Although in England, the Church of England far overshadows the Roman Catholic Church, it must not be forgotten that the Roman Catholic organization, according to figures amassed in 1908,(1) had in the British Empire thirty archi-episcopal and 106 episcopal sees, thirty-four vicariates, and twelve prefectures apostolic; the archbishops and bishops then holding office were 180.

These then are the two great religious factors for censorship in England today -- the Church of England and the Roman Catholic Church: the one strong as part of the State unit; the other, perhaps the oldest and strongest organization in the world today, which includes the entire world in the scope of the applications of its laws. The advantage seems to be with the Church of Rome, since it is independent of any state. In the laws of censorship itself, says Fr. Hilgers,(2) impartiality and true justice are most strongly impressed upon its censors and judges, who are aware from its terms it is their most solemn duty to exercise their functions solely in conformity with the dogmas and the universal teaching of the Catholic Church, but in no case whatever according to private prejudice or the doctrine of any particular school.

(1) Schaff-Herzog, p. 140, Vol. 4, cf. "Church of England and Wales" in Encyclopedia of Religious Knowledge.
(2) Hilgers, p.527.

This is the reason why the censorship of the Catholic Church differs from and is superior to every other ecclesiastical or political censorship, and why it has been guarded no less from biased injustice than from arbitrary rigor and conflicting inconstancy. These are the defects, according to Fr. Hilgers, which characterized non-Catholic censorship, particularly that of all the Protestant sects with their continued variations of doctrine as in Great Britain.

The next great organization to serve as important foil against which to study the history of England's literary censorship is the Star Chamber, the name given, in the 15th, 16th and 17th centuries, to an English court of justice.(1) It gets the name star chamber supposedly from the stars painted on the roof of the room (camera stellata); but there is also the derivation from a Hebrew word shetar or sh'tar, a bond, suggesting the legal documents connected with the Jews and thought to have been kept in this meeting-room prior to their expulsion from England by Edward I. The origin and early history of the court are not too well known. It is thought to have some connection with the curia regis of the 12th century, which combined judicial, deliberative and administrative functions; this curia regis had thrown off several offshoots in the court of king's bench (as well as other courts), but the Crown never yielded its supreme jurisdiction. When in the 13th century the king's council became a regular and permanent body practically distinct from Parliament, the king in council continued to exercise the supreme jurisdiction. Efforts

(1) The material for the account of the Star Chamber is taken from the Encyclopedia Britannica, Vol. 25, pp. 795-6, (11th Edition).

and complaints that were usually fruitless were made by Parliament in the 14th century to determine exactly the character of this council's jurisdiction since that of most of the ordinary courts of law were becoming fairly definite and systematic. The equitable jurisdiction of the Chancellor, which was an outgrowth of the reign of Edward III like the law courts under Henry II, was derived, we are told, from this supreme judicial power, which was yet unexhausted.

During Edward III's reign (1341), we find our first reference to the chancellor, treasurer, justices and other members of the king's council exercising jurisdiction in the old chamber (chambre des etoiles) at Westminster. It was about 1453 that the distinction between the ordinary and privy councils became apparent, and an act was passed which gave the chancellor the right to enforce the attendance of all persons summoned by the privy seal before the king and his council in all cases not determinable by common law. The jurisdiction of the council was now recognized as supplementary to the ordinary law courts.

The famous Act of 1487, supposed incorrectly by the lawyers of the Long Parliament to be the origin of the court of the Star Chamber, obliged Parliament to entrust wider powers to the council, because of the anarchy of the Wars of the Roses and of the decay of local justice. This Act, under Henry VII, created a court composed of seven persons, the chancellor, the treasurer, the keeper of the privy seal, or any two of them, with a bishop, a temporal lord and the two chief justices (or in their absence two other justices). Such a court was to deal with cases of unlawful maintenance, giving of licenses, signs and tokens, great

riots, unlawful assemblies; in short, all offenses too serious for handling in the ordinary courts. It will be noted that the powers involved were not supplementary (as in 1453) but rather superseded the ordinary courts, if they were too weak to act. Thus, machinery was supplied to exercise, under special circumstances, the extraordinary penal jurisdiction, which the council had always had. In 1529, an eighth member, the president of the council, was added to the Star Chamber, and its jurisdiction was confirmed. During this period, the court of the Star Chamber punished powerful offenders whom the ordinary law courts could not reach, and we find it proved of great use to Cardinal Wolsey and others (the Britannica quotes Sir Thomas Smith) "to bridle such stout noblemen or gentlemen who would offer wrong by force to any manner of men, and cannot be content to demand or defend the right by order of the law."

There exists some belief that the Star Chamber court, after about fifty years, went out of existence toward the end of the reign of Henry VIII, and that its powers, acquired by the Act of 1487 reverted to the Council as a whole. This may or may not have been so, the likelier probability is that both the Star Chamber court and the Council existed simultaneously but separately. At any rate, we have reason to know that they were separate bodies during the reign of Elizabeth. An Act in 1540, which strengthened the king's proclamation with the force of law, made offenders against it punishable by the usual officers of the council, in addition to some bishops and judges in the Star Chamber or elsewhere. It was still difficult to differentiate between the duties of the Privy Council and those of the Star

Chamber, although when the latter was abolished later it was very clear exactly how the two courts were composed and what were the matters dealt with by each. We know that frequently during Elizabeth's reign when juries misbehaved, they were commanded to appear before the Privy Council or in the Star Chamber. Sir Edward Coke commented on the uncertain composition of the court when he said that it is or may be compounded of three several councils:

1. The lords and others of the Privy Council
2. The judges of either bench and barons of the exchequer
3. The lords of Parliament, who are not, however, standing judges of the court.

The jurisdiction of the Star Chamber court was as vague as its constitution. William Hudson, who held that all peers had the right of sitting in the court, claimed it was impossible to define the jurisdiction without offending the supporters of its prerogative by a limitation of its powers, or, on the other hand, the lawyers by attributing to it too much latitude. Actually in practice it had almost unlimited range. It took notice of many acts such as riots, murder, forgery, felony, perjury, fraud, libel and slander (these two of especial interest to the student of censorship), duels and acts tending to treason, as well as of some civil matters, like disputes over land between great men and corporations, disputes between English and foreign merchants, and testamentary cases; summing them up, Hudson includes "all offenses may here be examined and punished if the king will" --- a perfect trap or means of literary censorship. Its procedure was not according to the common law, but high handed and arbitrary. It

didn't bother with the encumbrance of a jury; it could act on the basis of rumor alone; it could inflict any torture or penalty, death alone excluded. It could work either of two ways, as it did: in the Tudor period, it admirably supported order against anarchy; in the Stuart period, despotism against individual and national liberty. In the one case, it was frequently resorted to intelligently and impartially against the ignorance or prejudices of a county jury; in the other, the Stuart kings, James I and Charles I, used it as the great means for extending their royal tyranny as well as to enforce the collection of new taxes and the use of prescribed Church service, and to punish all who wrote or spoke anything against the government.(1) Its excessive punishments, inflicted on those brought before it like such men as Prynne, Bastwick and Burton, and the resultant odium prompted much of the popular discontent against Charles I. Occasionally, its jurisdiction was questioned as its unpopularity grew greater, although not successfully. However, in July, 1641, by an Act of Parliament, it was abolished and has never been revived although twenty years later (1661) a committee of the House of Lords reported "that it was fit for the good of the nation that there be a court of like nature to the Star Chamber," without success in getting anything done about it.(2)

After the abolition of the Star Chamber Court in 1641, censorship was exercised by Parliament and came to be regulated in 1662 by statute. The censorship statutes were renewed from time to time as in 1679 and again in 1692, for a period of two years.

(1) Niver, H.B. A School History of England, pp.158,220,222.
(2) The sources used in the Britannica article on which I have based this account of the Star Chamber are listed on page 77a.

Britannica Sources on Star Chamber Court.

(Footnote (2), page 77.)

Sir Thomas Smith, "Commonwealth of England 1633.

Lord Bacon, History of Henry VII, edited by J.R. Lumby, Cambridge, 1881.

Wm. Hudson, Treatise of the Court of Star Chamber, in Vol.II of Collectanea Juridica.

H. Hallam, Constitutional History of England (1876).

W. S. Holdsworth, History of English Law (fol. 1902).

G. W. Prothers, Statutes and Constitutional Documents 1559-1625, (1894).

W. Busch, England under the Tudors, (1895).

S. R. Gardiner, History of England 1603-42, (1883-84).

D. J. Medley, English Constitutional History, (1907).

A. V. Dicey, The Privy Council.

The pleadings in the Star Chamber are in the Record Office, London; the decrees appear to have been lost.

In 1694-5 censorship --- which was really synonymous with the right of the Crown to render printings of writings, journals, etc. dependent on its permission --- ceased entirely, when Parliament failed to renew the censorship.[1] This was a momentous decision (or oversight) in the history of English letters because, except for the restrictions placed on writers by the laws of libel and slander and the Lord Campbell Act against obscenity, enacted in 1857, England has in the field of letters, independent of the drama, no official censorship.[2]

In the true sense of the word, says Craig, in his book entitled, "The Banned Books of England,"[3] there is no literary censorship in England, for legal control of literary expression is brought about by the operation of the law of libel. A "libel" is by derivation a "little book," but in legal terminology it includes any book, journal, paper, picture or other representation; and may be blasphemous, seditious, defamatory or obscene in character. In the study of law, we find that the English Common Law furnishes the basal ideas for the Criminal Codes.[4] In the matter of defamation, the term is definable[5] as an unwarranted attack upon a person's reputation, tending to cast him into disrepute, either as a private individual or in his business, professional, or public character. Slander and libel are each separate kinds of defamation: slander is conveyed or "published," by spoken words merely; libel by means of writing, printing,

(1) Litchfield, Mary E. - "Journalism and Party Literature," p. XX in section IV of Introduction to The DeCoverly Papers.
(2) Another exception not here included is of course war censorship, which is an emergency not a regular measure.
(3) Craig, - "The Banned Books of England" p.19.
(4) Archer, G.L. - Criminal Law, p.18.
(5) Archer, G.L. - The Law of Torts, Chap. VIII, "Slander and Libel, pp.111, ff.

pictures, images or anything addressed to the sense of sight. Of the two, libel is generally rated as the more serious wrong because a slander is generally heard by only a few and ceases as soon as spoken, whereas a libel has greater permanence; whenever seen, it is the occasion of fresh injury. In order for either to be actionable, it has to have been "published," i.e. brought to the attention of third parties capable of understanding the defamation in question. The term publication, says Archer,(1) in this sense, covers all means of communicating intelligence from one person to another, and is not restricted to what is generally meant by the term publication. To speak defamatory words in the presence of third parties is to publish them as truly as though the words were distributed in printed form.

The distinction between slander and libel, making the latter both a crime as well as a tort, has its roots, says Bigelow,(2) in the feudal age. Written defamation in rhyming lampoon was then a common weapon of war between great men; while slander, though also then as now, not unknown among men of high degree and sometimes punished as a crime, was commonly settled right on the spot instead of being taken into court, lest the latter course be considered cowardly. Bigelow gives(3) as an excellent example of the bitter and dangerous libel of those times the Ballad of Richard of Almaign, lampooning the King's brother for cowardice at the battle of Lewes (1264). This makes it easy to comprehend why libel even then should have been held criminal. A direct expression of the law was the (abolished) Statute of Scandalum

(1) Archer, "The Law of Torts" p.112.
(2) Bigelow, M.M. The Law of Torts, p.299.
(3) Ibid. pp.299-300.

Magnatum; but, says Bigelow, the idea of danger in the written word itself by easy confusion took root (helped doubtless by the familiar line, 'Vox emissa volat scripta manet') and hence, the law of libel. This has one strong justification today, to wit, in the power and danger of the press. Distinctions on the whole between slander and libel have little importance; people don't generally bother the courts with petty cases of either.

To explain or understand the law of obscene libel, which is today in England generally the judicial basis for a book's being banned, one should examine the Campbell Act and the ruling upon it made by Chief Justice Cockburn. Later, when we come chronologically to works affected by the law, we shall consider how the law works.

Craig preludes his discussion of the Act(1) by quoting from Andrew Lang: "English literature had been at least as free spoken as any other from the time of Chaucer to the death of Smollett. Then in 20 years at most, English literature became the most 'pudibond', the most respectful of the young person's blush, that the world has ever known." This change was brought about, Craig feels, by voluntary means and the pressure of an opinion. He says that 18th century law was little impressed by the publication of obscenity; such works as "The Fifteen Plagues of a Maidenhead" or Rochester's erotic poems apparently passed muster, and Wilkes' poems worried their judges more because of impiety than of obscenity. By 1800, the Bench had moved in sympathy with public opinion, and the offense known in law as "the publication of an obscene libel" came to be prominent, as

(1) Craig, p.20.

Craig puts it, in the forensic landscape. As far back as 1729, there is on record a case dealing with a book entitled "Venus of the Cloister," the obscenity involved had been judged a common misdemeanor.(1)

It was well into the second half of the 19th century before action on this score was taken against really reputable literature. A vast trade growing up around Holywell St. in pornographic material (much of it brought from abroad) proved utterly inadequate certain remedies like the Vagrancy Acts of 1824 and 1838, the Metropolitan Police Act of 1839 and the Towns Police Act of 1847.(2)

During the consideration of a bill in the House of Lords to restrict the sale of poisons, an extremely lurid pornography trial came before Lord Chief Justice Campbell, in connection with the Holywell St. traffic, which Lord Campbell described as poison "more deadly than prussic acid, strychnine, or arsenic." This resulted in the Obscene Publications Act of 1857, providing for the destruction of any obscene publications held for sale or distribution on information laid before a court of summary jurisdiction. Both houses opposed the bill strongly but it was finally passed when the Lord Chief Justice insisted that "the measure was intended to apply exclusively to works written for

(1) Craig points out this as an offence (originally less grave than a felony) deriving not from any act of Parliament (though subsequently recognized in several), but in theory from oral tradition, and in practice from the body of recorded judicial decisions on the subject. Of recent years, it has been possible to dispose of charges summarily if the parties agree, and many important cases have had a no more exalted setting than the Police Court. p.21.

(2) These acts made it a summary offense to expose obscene books and prints in public places.

the single purpose of corrupting the morals of youth and of a nature calculated to shock the common feelings of decency in any well-regulated mind" and that he was ready to make what was indictable under the present law a test of obscenity. He is supposed to have dramatized the situation by holding in his hands and regarding it with horror Dumas' "The Lady of the Camelias," and commenting that works even though definitely of a polluting character could be stopped only by the force of public opinion and an improved taste.

The Act allows the court to issue a warrant to search premises complained of and to seize the alleged obscene matter. The proprietor must then show in court reasons against destruction. Evidence of common law offense has first to be established before a warrant can be issued and this is usually solved by having a plain-clothes officer purchase one of the books, etc. concerned. Lord Campbell's Act made it possible for the common law as it then existed to be enforced. In 1868, the matter was to be carried further when Lord Campbell's successor was obliged to consider a seized pamphlet entitled "The Confessional Unmasked Showing the Depravity of the Romish Priesthood, the Iniquity of the Confessional, and the Questions Put to Females in Confession." Although Lord Chief Justice Cockburn completely sympathized with the purpose of the pamphlet to discredit the Roman Catholic Church, it must in all fairness to his sense of justice be admitted that he refused to excuse the obscenity involved, saying, "the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences

and into whose hands a publication of this sort may fall." So much, bewails Craig, for the 'single-purpose' and 'the well-regulated mind' of Lord Campbell's definition. It is Sir Alexander Cockburn's famous dictum that became incorporated into the law as the criterion by which allegations of literary obscenity are judged.

Putnam claims the first censorship in England other than what was a matter of church discipline first occurred in 1382 in connection with the circulation of Wyclif's doctrines,[1] but it might be well to consider as perhaps the first item of interest in our chronological list in the censorship of books those fourteen dungeon years suffered by Roger Bacon. It was these fourteen years which history shows us were occasioned by the censor's displeasure and which gave the initial impetus to his Opus Majus.[2] In 1257 Bonaventura, who was the general of the Franciscan order, became suspicious of Bacon's supposed dealings in the black arts, interdicted his lectures at Oxford. He placed him under the superintendence of the order in Paris, where he remained for a decade, suffering great privations, and forbidden to write for publication.

1268-- Oxford-- Pope Clement IV was Bacon's protector and at his request, Bacon wrote his most important work, the Opus Majus, and also Opus Minor and Opus Tertium.

1278-- When Bacon's protector Clement IV died, the general of the Franciscans, Jerome de Ascolo (later to be Pope Nicholas IV), condemned his works, and Bacon was imprisoned for fourteen years, and was not allowed to touch ink or parchment or further to continue his literary activities and efforts

1 Putnam, Geo. H., " Censorship of Church of Rome", pp. 256-7
2 Ernst, M. L. & Lindey, Alexander, " The Censor Marches On", p 144
3 Haight, A.L., " Banned Books", p. 7

without special Papal decree.[1]

In Mrs. Grundy, Leo Markun's history of four centuries of morals intended to illuminate present problems in Great Britain and the United States, the author presents the idea[2] that the Protestant Revolution really began with the work of an English priest of the 14th. century, John Wyclif, who sought himself to act as unofficial censor of the clergy but who became driven under by the larger wheel of official censorship, when his teachings were held responsible for the agrarian revolt of Wat Tyler and they fell into bad repute with the authorities.[3] Wyclif was born in 1324[4] at a village in Yorkshire, England, that bore his surname, and went to Oxford, where he eventually became a fellow of Merton College. At Oxford, he was a laborious student of philosophy, metaphysics, and theology, and a keen, sarcastic debater. He first distinguished himself in favor of the University by his various pungent tracts against the Mendicants in 1360, but was deprived of his wardenship at Canterbury Hall by Langham, archbishop of Canterbury, and the Pope confirmed this. During the delay, Wyclif again attacked the monks and clergy, not overlooking the Pope. Through a close friendship with the Duke of Lancaster, he acquired the post of Rector of

1 Jackson, H. p. 3

2 Markun, Leo, "Mrs. Grundy", p. 56

3 Markun, p. 56; Putnam, p. 256-7

4 Biographical details on Wyclif here mentioned are taken chiefly from Vickers, R. H., "Martyrdoms of Literature", pp. 118-119

Lutterworth in Leicestershire. After he gained his D.D. degree in 1372, he continued to lecture against the monks, the Pope and the clergy, assailing the doctrines and constitution of the Church. In 1374 we find him in the role of king's ambassador to remonstrate against the Pope's reservation of churches. Wyclif's subsequent denunciations of the Pope revealed greater vehemence as he called him anti-Christ, "the most cursed of clippers and cut-purses." In 1376, the monks drew up articles of accusation against him and in 1377, the Pope issued five bulls which failed to arrive in England before the death of the aged Edward III. Wyclif was aided somewhat by the contempt with which the university treated them, and the Pope's death the following year. He kept on speaking and writing in strong terms against the Church and her doctrines, particularly that of the Real Presence in the Eucharist. Ecclesiastical Commissioners appointed to try him condemned his opinions in 1378. The Biblical translation for which he was responsible enjoyed a vast circulation.[1] The authorities decided that the bishops lacked the necessary powers to suppress the inflammatory doctrines of Wyclif and his Lollard preachers, because they kept moving from one diocese to another and denied at the same time the jurisdiction of the Ecclesiastical courts.[2] Ten years after Wyclif's famous Biblical translation, in 1380, the House of Lords failed

[1] Markun, p. 56

[2] Putnam, p. 256-7, Vol. II

to pass a bill for suppressing it, due largely to the stout defense of Wyclif by his friend the Duke of Lancaster, John of Gaunt; but in time, the reading or possession of a copy of that version came to be rated a capital crime, and, says Vickers,[1] many were judicially murdered on that account. Although in 1382, Parliament passed an act directing civil authorities to arrest all such preachers and "to hold them in arrest and strong prison until they will justify themselves to the law of reason and of Holy Church," Wyclif continued to preach for two years despite partial disability from paralysis, until his death in 1384.

Wyclif's works were ordered confiscated in England during the campaign against the Lollards in 1387,[2] but popularized by John Huss, they were spreading extensively through Bohemia. King Richard II in 1387 prohibited, under penalty of imprisonment and confiscation of property, the sale or purchase of the heretical writings of Wyclif, now dead three years, and of Nicholas Hereford.[3]

The Lollard mischief had failed to cease by 1401, when the more severe statute "de haeretico comburendo" was passed, securing for England for the first time the penalty of death as a punishment for heresy. The dissemination of heretical

[1] Vickers, p. 119

[2] Brown, L. F., p. 269

[3] Putnam, pp. 69-70, Vol. I

opinions by preaching or by books was prohibited and presumably controlled (practically by the King).[1] The first victim of this statute is thought to have been W. Sawtree, preacher at St. Osyth's in London, who had been convicted of denying transubstantiation; strangely enough the writ for his execution appears on the Rolls of Parliament before the Act itself. Possibly (Putnam quotes Milman) Sawtree suffered under a special Act proposed for the purpose of ascertaining in advance of the consideration of the larger measure, the feeling of Parliament.

1408--Under the direction of Archbishop Arundel, the Convocation of Canterbury prohibited the reading of any writings of Wyclif or of "any other writings of his time" until the same had been passed upon and expurgated by censors appointed by the Universities of Oxford and Cambridge, and the archbishop had approved the expurgated texts.[2]

1409--The following year, attention was brought to the Biblical Book of Ruth with the Synod of Canterbury meeting at St. Paul's in London. Here was issued a decree forbidding the translation of the Scripture from one tongue to another and the reading of any translation later than that of John Wyclif under penalty of greater excommunication, unless special license be obtained.[3]

1 Putnam, pp. 121, 122, Vol. I, pp. 256-257, Vol. II

2 Putnam, p. 70, Vol. I

3 Haight, A. L., pp. 4-5

The first great book bonfire of the 15th. century, says Louise Fargo Brown,[1] was in the courtyard of the archiepiscopal palace of Prague, in 1410 where more than two hundred of Wyclif's works, surrendered as a result of the bull of Alexander V against Huss, were given to the flames.[2] Two years later, in 1412, his works were condemned again this time by the Synod of Pisa, and they were burned at Oxford.
1415--Similarly at London after the Council of Constance, which condemned as heretical Wyclif's writings, and forbade under pain of excommunication the reading or making of citations from them (except to refute their errors) the bishops were ordered to cause all copies to be collected and burned.[3] This Council further commanded the digging up and burning of his bones. Miss Brown, speaking of this and other medieval book bonfires, says:[4] "Medieval book bonfires continued, and one is tempted to say, still continue. But it is a story that repeats itself. Reginald Pecock, Bishop of Chichester, defending the orthodox clergy against the Lollards' contention that Scripture was the only authority in matters of religion, fell into the old error of defending reason and reenacted the story of John Scotus Erigena. Like Berengar, he recanted and threw his own works into the flames." These

[1] Brown, L. F., p. 269

[2] Vickers, R. H., p. 119

[3] Putnam, p. 70, Vol. I

[4] Brown, p. 249; p. 269

flames were at St. Paul's Cross; the University of Oxford, hearing of the event, burned all available copies of Pecock's works also.[1]

1459--As late in the same century as 1459, we find Pope Pius II condemning the writings of Pecock to be burned because they were strong with Wycliffian heresies.[2] In closing his chapter on Wyclif, Vickers[3] claims Wyclif has been justly styled the Morning Star of the Reformation. Many others of a multitude of stars never lost their brilliance but "the glory of Wyclif was nearer to the English world, and the others paled before it."

1476--The beginning of pre-licensing came shortly after Caxton set up his press in 1476 in Westminster and the Crown forbade all printing except by royal permission;[4] this is supposed to have continued for about a hundred years, eventually calling forth Milton's Areopagitica. In 1695 this pre-censorship of the press was abolished, and has never since been in force in either England or America.

According to Thomas More,[5] Caxton couldn't dare to print a Bible in the vernacular, even though the people would have greedily bought the Wyclif translation. Because of the severe

[1] Cambridge History of English Lit, II, pp. 327-37

[2] Putnam, pp. 70-71, Vol. I

[3] Vickers, p. 119

[4] Ernst & Lindey, p. 29

[5] Putnam, p. 367, Vol. II

penalties imposed by Archbishop Arundel's constitutions, even though the old translations before Wyclif were still lawful and extant, More doubted that any printer would be likely to put any Bible into print at his own expense and hang about a doubtful trial to settle whether the first copy of his translation was made before or after Wyclif. It had to be pre-licensed if made since Wyclif; and Caxton, says More, was too prudent to encounter such a dilemma. During the first half of the century, the printers had practically no burden of censorship to bear, their various other difficulties being rather a lack of communication with a public, the limited public really interested in books, and hurt to the book trade by the civil wars; so, even if the ecclesiastics had been in a position to interfere, the first literary undertakings of the English printers provided but small occasion. Catalogues of printed works include practically no works of theological, religious, or controversial subjects of any kind. The tendency of Caxton and his immediate successors to avoid them in preference to the more dependable romances and chronicles showed them, in a sense, as non-official censors. This unofficial censorship thus exercised by the printers who decided what was or was not to be printed continued for well nigh a century after the introduction of printing into England. By that time, English editions of the Scriptures came to be attempted. Such "religious reticence" on the part of the printers was to be expected when we keep in mind that the first of many Papal bulls having to do with

the productions of the printing press was issued in 1487.[1]
1511--A bull called the Bull of the Lord's Supper was issued in this year by Pope Julius II. It presented a collection of various excommunications. It specified as under excommunication a number of heretical sects including Wyclifites.

The next prominent figure historically important in the story of censorship is another great critic of the Church: Desiderius Erasmus (c. 1466-1536). Although the leading figure of the Reformation is usually considered to be Luther, at the expense of being trite, let me repeat what is usually pointed out regarding their respective parts in that movement: Erasmus laid the egg (of the Reformation); Luther merely hatched it.
1512--Erasmus' Praise of Folly delighted kings, bishops, archbishops, and cardinals, all of whom (as well as all manner of other people) were impiously shown to be subject to folly. The favor given to the work, written in the house of Thomas More, by the Pope and not a few of the scholarly ecclesiastics did not prevent its prohibition in many of the universities like Paris, Louvain, Oxford, and Cambridge.[2]

The position Erasmus held among the thinkers of his time is perhaps unique. In extent of circulation, Erasmus' works came second only to Luther's, while in geographical extent

[1] Putnam, p. 108, Vol. I

[2] Putnam I, 337; Haight, pp. 11-12

and the variety of circles they were welcomed in, they were far in advance of Luther's works.[1]

1516--Erasmus' powerful friends like Cardinal Wolsey, Charles V, and Henry VIII urged him to declare against Luther.[2] Although he refused, he did enter into a controversy with the reformers, and continued the attack on the abuses which had grown up in the Church, holding himself always a loyal and dutiful son. Erasmus refused from the very beginning to take part with the Protestant assault on the authority of the Church, although many feel his very attacks were an influential factor in effecting those conditions that made the Reformation possible and inevitable. On the other hand, his scholarship and influence undoubtedly helped to maintain the authority of the Church against the fierce antagonism of the Lutherans and the Calvinists. Both of these sects calumniated him as a traitor to their cause, and Rome denounced him for heresy as he continued to regard the religious issue in a sane, rational, and objective way.[3]

1520--During this year Rome was very active in connection with Luther. On June 12, Pope Leo X ordered a formal burning in Rome of all the available copies of Luther's writings (in addition to an effigy of the heretic himself). A few days later,[4] Leo issued his famous Bull Exsurge[5] in which he stated that,

1 Putnam I, 328-9

2 Putnam I, 329; Haight, pp. 11-12

3 In the latest edition of the Roman Index (1930), Erasmus was not specifically mentioned. (Haight, p. 12)

4 In one place, Putnam gives the date June 15 and in another, June 19.

5 Putnam, Vol. I, p. 110

after careful consideration with Cardinals and other theologians, he pronounced as heretical, false, and pernicious, forty-three propositions contained in the writings of Martin Luther; therefore, he condemned all books, tracts, and sermons of said Luther and all citations from the same. This same Bull forbade the printing, selling, distribution, reading, or possession of or quoting from copies of his works; all existing copies were to be burned, and the penalty for disobedience was excommunication latae sententiae.

Wolsey at first declined to enforce this Bull in England. Putnam feels that if Wolsey had been left to himself, the cruel proceeding which characterized the reign of Henry VIII would not have been instituted; that, according to Froude, while with More, heresy was a crime, with Wolsey it was merely an error.[1] This viewpoint may have been the reason for Wolsey's indifference. However, in consequence of the above Bull of Leo X, Wolsey directed the English bishops to require that all the books and writings of one Martin Luther should be delivered up by all persons possessing them under pain of the greater communication.[2]

1521--The Cardinal's delay in carrying out the promulgation of his Bull according to the full letter provoked the Pope to send him a brief, directing him to carry out the orders for the burning of copies of Luther's writings. (It will be

1 Putnam, pp. 257-8, Vol. II
2 Putnam, I, p. 342

noted that Wolsey's order had been to have them delivered up but not burned). The Pope sent Wolsey a copy of Luther's treatise on the Babylonian captivity, with the remark that the author as well as the book should be burned. In his capacity as Papal legate, after conferring with the Archbishop of Canterbury and with the King's approval, Wolsey finally ordered the destruction of all copies of Luther's writings to be found in England.[1]

1521-1551--In commenting on the regulations prevailing in both France and England concerning the production and the use of books, Putnam points out[2] that the control of the printing-presses and of the business of book-distribution rested from the outset with the crown, and that as far as regulations were framed by the theological faculty of the Universities or by the bishops, this was done under the authority and instructions of the king. During the years covering the reign of Henry VIII, heretical publications were regulated by a series of royal edicts, the larger part of which were framed in consultation with convocations of bishops. Only after the rise of Lutheranism were regulations issued under the sole authority of the bishops.[3]

1521--Wareham, who was the Archbishop of Canterbury, wrote to Cardinal Wolsey asking that the names of Luther's associates

1 Putnam I, pp. 110-111
2 Putnam, Vol. I, pp. 96,97
3 Ibid, p. 86

be sent to the University of Oxford, in order to add their writings to the lists of prohibited writings and to include them among those works permitted for reading under special license to scholars refuting the Lutheran heresies. This anticipated by some five years the publication in 1526 of a catalogue, ordered by the king, of forbidden books; this appears to be the first of English productions, and, if to be classed as an Index, would rank with the earliest in Europe, nearly twenty-five years before the issue of the first Index on the Continent, and thirty-three before the first issue on the series of the Roman Indexes.[1] It consisted of only 18 titles; these were the works of Luther, Zwingli, and Brenz, Huss' In Oseam, and 4 anonymous works; all were imported editions. During the frenzy of what Vickers calls "these animosities against literature",[2] a scholar named William Tyndale, discouraged by his bishop from a plan to translate the New Testament into English, went to Germany,[3] where he prepared a new version of the principal books of the Bible, being furnished with the small sum of ten pounds. He retired to Hamburg where he had nearly completed his translation. Furnished with another ten pounds, he went to Cologne to publish his book. The English merchants sought him out and befriended him. He had 6,000 copies smuggled into England.

1 Putnam I, p. 87; pp. 257-8
2 Vickers, p. 188
3 Markun, p. 57

1523--By the beginning of the 16th century, the pinch of competition from the foreign printers and stationers, who had not only been freely tolerated but actively encouraged, began to be surely felt by the native craftsmen; and in the following year, repeated efforts were made to eliminate the alien element and reduce the importation of foreign-printed books. An Act was passed in 1523 forbidding anyone to take any but English-born apprentices and in 1529, another Act, prohibiting any foreigner, not already established, from setting up a house or shop for the exercise of any craft within in the realm. These laws aimed at squeezing out the foreigner from the home trade and a further Act in 1534 directed against competition from abroad prohibited the importation for sale of books ready bound. It also provided that no undenizened alien should sell foreign-printed books within the kingdom except by wholesale. The purpose of this Act was to protect the native book-binder and the retail book-seller, and at the same time helped to limit facilities for the dissemination of pernicious literature.[1]

We are indebted to the foreign press for a large number of English books printed abroad after the middle of 16th century. This group concerned itself largely with the acrimonious politico-religious controversies of the day and was produced on foreign soil either because their authors had sought safety there or possibly because there was less chance of the work being interrupted. Among the chief centres of activity were

[1] C. H. E. L., Vol. IV, p. 458

Antwerp, Rouen, Louvain, Leyden and Dort, Amsterdam, the source of the "Family of Love" books, Middleburgh, Geneva and Zurich (Protestant strongholds), and Douay and St. Omer (Roman Catholic fortresses). Several of the early editions of the English Bible were printed on the Continent in this connection. The first of them, Coverdale's version at Zurich in 1535, and some editions of the Genevan version, which bear an English imprint, were actually printed at Amsterdam or Dort. The first issue in Latin of Foxe's "Book of Martyrs" was printed in Basel in 1559, and the edition of William Turner's "New Herball" was printed at Cologne in 1568. These are but a few examples.

1525-26 The English translation of Tyndale's Bible was the first printed book banned in England,[1] where it was denounced as "pernicious merchandise" by the Church authorities,[2] who violently suppressed the first edition so energetically that only one copy has survived.[3] Wolsey ordered Tyndale to be seized at Worms, but he escaped to the protection of Philip of Hesse. The four editions printed on the Continent during the next four years were also suppressed.[4]

1526--Archbishop Wareham sent to Duvoisey, the Bishop of Exeter, a mandate directing him to make search for certain English translations of the New Testament, "which are full of heretical pravity," and to burn all copies secured, and to extend the order to include certain writings of Luther, Tyndale, Huss and

1 Haight, pp. 13-14
2 Haight, pp. 13-14; Ernst & Lindey, p.227.
3 Now in the library of the Baptist College in Bristol; there is also an incomplete copy in St. Paul's Cathedral, London. (Haight, pp. 13-14).
4 Haight, pp. 4-5.

Zwingli.[1] Bishop Tonstil of London followed suit with similar instructions to the archdeacons of his diocese.

1526--Early this same year, many copies of Simon Fysche's pamphlet, "The Supplication of Beggars," were scattered through London, at which Cardinal Wolsey took great alarm, and authorized a strict search for the Lutheran books in the capital and the universities.[2]

Thomas Garrett, a book distributor, was pursued to Oxford, with the intention of arresting him and burning his books. Many volumes, relates Vickers,[3] were found under the floors in Cardinal's College, Wolsey's own foundation. Hitherto, the library of Oxford had been kept in a few chests in a cellar under St. Mary's Church. Any students found in possession of the discovered books were imprisoned in a stinking fish cellar, and four died within a week. A similarly strict search prevailed at Cambridge University. Vickers continues his account with a colorful picture of Wolsey himself, in purple, surrounded by mitred abbots and bishops in damask and satin, and enthroned in pomp, receiving poor Robert Barnes, prior of the Augustinians at Cambridge, in a humiliating abjuration. Barnes and four merchants were convicted of the crime of importing books. Great baskets of them were flung into a great bonfire at St. Paul's. Part of the fuel was Tyndale's New Testament, for more copies of which severe inquisition continued throughout England. The whole power of the Papacy in England was arrayed against literature and yet the banned copies multiplied. Bishop Tunstal

1 Putnam, vol. 1, pp. 86-7.
2 Vickers, p. 189.
3 Ibid, p.190.

and Archbishop Wareham issued the formal decrees mentioned above, and yet thousands of copies were brought into England, even being sold openly. Wolsey commissioned Sir John Hackett, envoy to the Court of Brabant, to hunt out Tyndale and destroy his books.

1527--Bishop Tunstal gave to Thomas More a privilege for the reading of heretical books in order, like Henry VIII, he might be able to defend the Catholic faith against these new heresies.[1] Ironically enough, More, who had assumed the role of a reformer, had now changed sides and had become an enemy of Tyndale and his books.[2]

1529--Henry VIII authorized the publication of a second catalogue, this one containing some 85 works "imported by the adherents of heretical sects."[3]

1530--King Henry forbade the reading of the Scriptures in the vernacular in a proclamation in which he took the ground that there is no necessity for the reading of the Bible by the common people. His attitude maintained they could acquire more safely all the religious teaching profitable to them from their religious instructors, at least until the peril of the spread of heresy had passed. Then, he felt, it would be sufficient time to permit translations of the Bible; for the time being all vernacular versions were to be delivered to the bishop.[4]

Also in 1530, the King forbade the printing, importation, sale, or possession of books, whether printed or written which contain doctrines antagonistic to the Catholic faith or to the authority of the king or to the laws of the land. The magistrates were instructed to take all necessary measures to eradicate heresies

1. Putnam, vol. II, pp. 257-8.
2. Vickers, p. 190.
3. Putnam, vol. I, p.87 (These included 22 by Luther, 11 by Zwingli, 9 by Oecolampadius, etc.).
4. Putnam, vol. I, p. 87.

especially certain ones in the writings of English authors.[1] He appointed a commission to investigate heretical books,[2] a body on which Latimer served. After considering needful restrictions to meet common evasions of authoritative regulations, they ended their labors in condemning many works: some old ones like the writings of Wyclif and Huss; some new ones like those of Luther, Zwingli, Fish ("The Supplication of Beggars", and "The Sum of Scripture"), Joyce, and Tyndale (especially, "The Parable of the Wicked Mammon," "The Obedience of a Christian Man," "The Revelation of Anti Christ," and "The Practice of Prelates," which condemned the Catholic clergy and the divorce of Henry VIII). A second royal proclamation, in 1530, prohibited books printed abroad (all existing copies of which were to be delivered at once to the bishops.) Apparently the public burnings presided over four years previously by Cardinal Wolsey had not sufficed, for it was still possible to evade existing regulations either by smuggling or by the aid of a secret association of the Christian Brethren, which existed for the spread of this suspected literature.[3] This may have in part been aided, at least as far as Tyndale's Testament was involved, by the changing views of the majority of English theologians; at this time, an appeal to Scripture against their Papal antagonists was gaining force; and finally, the king, especially in the days of Cromwell, recognized the gain of some advantage from those forces he had earlier sought to suppress. The chief result of Tyndale's

1 Putnam, Vol. I, p.88.
2 Cambridge Hist. of Eng. Lit., Vol.III, p.44; Vickers, p.225.
3 Cambridge Hist. of Eng. Lit., Vol.III, p.45.

writings was to urge the private appeal to the sole authority of Scripture, secured by the unlimited power of the king with the complete power he had of reforming the Church. This was a convenient doctrine for Henry, who is supposed secretly to have encouraged his useful unofficial ally, until he strongly condemned in his Practice of Prelates Henry's divorce.[1]

The translations of the Bible attracted the attention of Parliament as well as the king. In June, 1530, in reply to a memorial of the House of Commons declaring that the acts against errors given by reason of frantic books compiled, published, and made in the English tongue were badly administered and required more strict laws, Henry proclaimed that every person "which hath the new testament or the old translated into Englyshe, or any other boke of holy scripture so translated, beinge in printe" was to surrender them within fifteen days "as he wyll avoyde the kynge's high indignation and displeasure." This brought many Bibles to the flames presided over by Bishop Stokesley.[2]

About this time the Lutherans, considering Henry their enemy, denounced him for cohabiting immorally with his queen Anne Boleyn. Henry's resentment took the form of vigorous suppression of their doctrines, which had come to be heard more and more openly in England. Burning alive was made the

[1] Camb. Hist. of Eng. Lit., III, pp. 46-48
[2] Vickers, p. 225

regular penalty for denial of the Real Presence in the Mass, and even refusal to confess to a priest became a felony. To deny the King was the supreme head of the Church of England was a capital offense. There were hundreds of martyrs, both Protestant and Catholic, who were put to death, merely for expressing their opinions.[1]

1531--Another royal proclamation by Henry was read at St. Paul's Cross forbidding thirty English works to be sold or read.[2]

1532--Another antagonist of Erasmus was Edward Lee, who, in 1532, became the Archbishop of York. His contribution to the censorship of Erasmus' work was three treatises in criticism of what he called Erasmus of the New Testament.[3]

1534--The Convocation of Canterbury petitioned the king to authorize the preparation, by well qualified persons, of an English version of the Bible, and to allow the people its use. At first, the king took no action in the matter, but after 1535, several more or less complete translations came into publication.[4] The Old and New Testaments, translated by Miles Coverdale, made the first complete Bible to be printed in English, but not being licensed by Church or State, it had to be printed on the Continent.[5] In 1536, King Henry, who had been excommunicated in 1535, revoked the prohibition on the

1 Markun, p. 60
2 Putnam, I, p. 88
3 Putnam, I, p. 332; Camb. Hist. of Eng. Lit. III, 22 and 47
4 Putnam, I, p. 88
5 Haight, pp. 4-5

use of the Scriptures,[1] and Cromwell, the Vicar General, ordered that in each parish church there should be placed, securely fastened by a chain, a copy of the Coverdale Bible, in the large form so that the faithful might become familiar with the text.

1536--It might be noted here how ironically the course of censorship was tinged. The Bible in the vernacular was brought within the scope of the people the year after Tyndale, whose translation of the New Testament in 1525 had been branded as "pernicious merchandise," was burned at the stake with his books in 1535.[2]

1536--A group of commissioners, professedly to inquire into the condition of the monasteries and report upon them, but really to bring back sufficient charges against them to justify their suppression, was appointed by the king.[3] Parliament in 1536 was induced to enact a law confiscating the property and dissolving the organization of more than three hundred of the smaller monasteries. In 1540, all the remaining monasteries were suppressed. It is almost impossible to estimate the losses to learning involved in the suppression or destruction of the monasteries. The destruction of books with in turn that of opportunity for study was almost incredibly enormous, says the Rev. R. H. Benson in the Cambridge History.[4]

1 Putnam, I, 88
2 Ernst & Lindey, p. 227
3 Cheney, p. 301; Robinson, p. 202
4 Cambridge History of Eng. Lit. Chap. III, Vol. III (p. 54)

The antiquarian Bale, in 1587, speaks of the shameful fate of the monastic libraries that had accompanied the Reformation in England.[1] Vickers gives us one picture of Henry VIII, as late as 1550, directing certain commissioners to cull out from his own library at Westminster, whither some books from monastic libraries had been conveyed, "all superstitious books, as missals, legends, and such like, and to deliver the garniture of the books, being either gold or silver, to Sir Anthony Aucher."[2] Bale describes[3] the use of the confiscated books by bookbinders and grocers and merchants for ordinary wrapping paper. Vast numbers of books and libraries that had been collected through centuries, both theological and classical vanished in a moment, so to speak.

1538--The king issued a proclamation allowing the selling of books only under royal permit or privilege. This proclamation contained highly specific restrictions: no books could be printed or imported without being examined and approved by examiners appointed by the Crown; every printed book had to bear the name of the printer as well as that of the author, translator, or editor; no English version of the Bible could be printed without a permit from the King or the Privy Council --the penalties, imprisonment and confiscation of property.

1 Blades, Wm., "The Enemies of Books", p. 9 & p. 51

2 Vickers, p. 225

3 Camb. Hist. of Eng. Lit. III, p. 54

In addition, the King made special prohibition, with heavy penalties, of the writings of the Sacramentarians and Anabaptists.[1]

1539--Despite the slight relaxation in the matter of the Bible being brought within popular scope in 1536, the King gave his approval to any Act of Parliament which was concerned particularly with the articles of faith (e. g. the Real Presence of Christ in the Sacrament) and read, "If any person writes, preaches, or disputes against this first article, he shall be punished with death as a heretic, and his property shall be confiscated by the Crown." [2]

1540--This was the year the completion took place of the suppression of the monasteries.[3] The inmates, according to some authorities,[4] were not too badly treated: some were given pensions, but a few who had shown defiance or roused the ire of Cromwell or the King, paid the price with their lives. One example of such brutal censorship was the pious old Abbot of Glastonbury, who was condemned for having written a tract against the divorce some seven years before. He was dragged out on a hurdle and hanged as a traitor on a nearby hill.

1542--This marks the beginning of formal regulations in Rome for the suppression of heretical literature and for the supervision and control of printing. The English catalogues of

1 Putnam, I, pp. 88-89

2 Putnam, pp. 257-8

3 Cf. supra

4 Cheney, p. 301; Robinson, p. 202

1542 and later (some nine were published during Henry's reign, like Indexes in character, though the titles are not arranged alphabetically), while possessing for their express purpose the maintenance of the doctrines of the Church, were issued under the authority of the State. These earlier censorship measures do not seem to have been the result of any direct initiative or suggestion from Rome.[1]

1543--An order was issued limiting the use of the Scriptures in the vernacular only for the higher classes.[2]

1546--During Henry VIII's reign there were nine catalogues of banned books published and the last of these was issued under the title, "A Royal Proclamation for abolishing of certain English books." Like the first edition of Fox's "Acts and Monuments" (which appeared in 1539), it contains a list of condemned books subjoined to certain injunctions, and further adds the heresies to be condemned.[3]

1546--Tyndale's books come again before our attention. In 1546, they were ordered to be delivered to the Archbishop for burning, because he had called church functionaries "horse-leeches, maggots, and caterpillars in a kingdom."[4] In addition to this ban on Tyndale's works, especially his New Testament, there was also included Coverdale's translation in

1 Putnam, Vol. I, pp. 116-117.
2 Ibid, Vol. I, pp. 89-90.
3 Ibid, pp. 89-90.
4 Haight, p. 14; Vickers, p. 190-

English or any other not permitted by Parliamentary Act. No person whatever was to possess "any manner of bookes printed or written in the English tongue, which shall be set forth in the names of Frith, Tyndal, Wicliff, Joy, Roye, Basil, Bale, Barnes, Coverdale, Tracy, Turner, or by any of them; or any other booke or bookes containing matter contrary to this act." All such books were to be turned over to the Bishop who was to have them remorselessly burned. Vickers tells us this order was inexorably carried out.[1]

1547--Henry's son, Edward VI, ordered the publication of a list of homilies and books of worship, compulsory for church service. Every priest was instructed to make diligent study of the New Testament in Latin and English, and to compare with this the Paraphrases of Erasmus. One bishop, Bishop Gardiner, remonstrated, pointing out that the two contradicted each other.

1549--Although no royal action is said to have been taken in regard to censorship in the reign of Edward VI, the King ordered the exclusive use of the official Communion Book (Book of Common Prayer) in an Act for the abolishing and putting away of diverse books and images. The bishops were ordered to cancel, to prevent their coming into future use, the liturgies of Sarum, Lincoln, and York; all books called "antiphoners, myssales, scrayles, processionales, manuelles, journales, ordinales, or other books or writings whatsoever, heretofore used for service of the churche, written or prynted in the

[1] Vickers, p. 226

Inglyshe or Latyn tongue shall be--clerelie and utterlie abollished, extinguished, and forbidden forever to be used or kepte in this realm or elleswhere within any of the king's dominions."[1] Such books were to be given up to the authorities, who were to turn them over to the bishops to be burned or otherwise defaced and destroyed. Fines and imprisonment were in effect for offenders and lax authorities.

1550-1587--According to the Bulla Coenae, everyone, who, without Papal permission, read or possessed copies of condemned books, came under the penalty of excommunication without the requirement of any specific action of the authorities. In this connection the Popes reserved to themselves the exclusive right to grant dispensation for the reading of such books. But this claim of the Curia was not always observed. Permits for the examination of books classed as heretical were given at various times by Charles V, Francis I, the Bishop of London and others. Pope Leo X himself authorized Cardinal Wolsey to grant such permits according to his own judgment to scholars engaged in preparing refutations of the Lutheran heresies.[2]

1553--Richard Grafton was appointed printer in 1547 to King Edward VI. Several editions of the Book of Common Prayer bear his imprint. He was one of the most distinguished of the earlier printers. In connection with Edward Whitchurch, he had to do with the publication of the English Bibles of 1537 and 1539, printed in Antwerp and Paris respectively, and after-

1 Vickers, p. 227; Putnam, Vol. I, p.90.
2 Putnam, Vol. I, p. 214.

wards began printing on his own account, his press being largely occupied with the production of service books, for the printing of which he and Whitchurch obtained an exclusive patent in 1544. He became the victim of the royal censorship or, better perhaps, the royal revenge, when, miscalculating the drift of political events, he printed the proclamation of Lady Jane Grey, and for this was deprived of his office by Queen Mary.[1]

1555--One of the first of Queen Mary's acts was an inhibition against reading or teaching the Scriptures in churches and against printing books. In the same year, she issued a second proclamation forbidding the importation and use of thirty-five authors named, among them twelve English; this was aimed especially at the works of Martin Luther, John Calvin, Miles Coverdale, Erasmus, and Tyndale, and others whose books contained false doctrines against the Catholic faith.[2] Among the English works is included the Chronicle of Edward Hall,[3] which was so effectively burnt by the orders of Queen Mary that it exists only in fragments.[4] This might well have been expected, considering Hall's loyal worship of King Henry VIII, his wholehearted sympathy for the Reformation, and his Protestant suspicion of Rome.

1555--In this year, the Stationers' Company was given its

1 Cambridge Hist. of Eng. Lit., Vol. Iv, p. 452.
2 Haight, pp. 4-5 and 14-15; Vickers, pp. 190-191; Putnam, Vol. I, p. 90.
3 Putnam, Vol. I, p. 90.
4 Camb. Hist. of English Lit., Vol. III, 359 ff.

charter expressly authorizing it to search as often as desired all houses occupied by printers, binders, stampers or sellers of books, for any works obnoxious to the State or to their own interests; it was also empowered to seize, burn, or convert such works to their own use.[1]

1556--Cardinal Pole, the papal legate, published what was called a "Reformation-Decree", in which were included the regulations of the Bull Coenae, with further orders for the bishops to arrange for the examination of the booksellers' shops and for the confiscation and destruction of all heretical writings.[2]

1557--When Caxton established his printing-press in 1476, the Church and the Crown immediately recognized the tremendous possible power of the printed word and both sought to control it.[3] The Church hoped to do it by extending the Papal Indexes and the Crown tried it by forbidding all printing unless royally licensed. Maintained, say Ernst & Lindey,[4] under strict governmental supervision, presses were made subject to the decrees of the Star Chamber. In 1557, the Stationers' Company was given greater monopoly with the exclusive privilege of printing and publishing in the British dominions. In this same year, an edict of the Convocation of the Province of Canterbury repeated and confirmed the royal condemnations.

1 Vickers, p. 191.
2 Putnam, Vol. I, pp. 90-91.
3 Ernst & Lindey, pp. 212-213.
4 Ibid.

1557--Since its formation in 1403, the guild or fraternity of scriveners and others connected with the production and sale of books had with the increased trade in books and the introduction of printing, developed (as time went on) into the craft of stationers. This association had for a long while exercised considerable influence in fixing and controlling trade customs, since everyone carrying on any business in the city of London connected with the book trade was required to become a member of the craft. Urged by the desire of increased power, the craft in 1557 procured a royal charter of incorporation, which invested the fraternity not only with a more formal dignity but also with a greater authority over the trade. The list of original members of the company contained some ninety-seven names. Under the laws of the company, every member was required to enter in the register the name of any book or copy which he claimed as his own property and desired to print, paying at the same time a fee for the entry. Besides entries of books, other matters relating to the affairs of the company appear in the registers. It is interesting to note that they, by no means, include all that appeared from the press. Those who held special privileges or monopolies for printing a certain book or maybe a whole class of books, were not apparently under obligation to enter such books and the royal printers were also superior to the rule, as far as the works included in their patent were concerned. The company's charter prevented

anyone from printing anything for sale within the kingdom unless he were a member of the Stationers' Company or held some privilege or patent entitling him to print some specified work or particular class of book. Even the members of the company who printed or published were subject to many limitations in the exercise of their callings. Royal proclamations and injunctions, the Star Chamber decreed, must not be drawn. The numerous printing monopolies granted to individuals must not be infringed, according to the charter, and more important still, the strict trade regulations as laid down and enforced by the Stationers' Company could not be disregarded with impunity. The Authorities of the State were probably willing to grant the charter of incorporation most readily since it provided a means for securing better supervision of the press and helped suppress those seditious and heretical publications which had haunted the authorities with perpetual fear and which were the subject of frequent prohibition. We can judge the effectiveness of such supervision from the shift to which the secret presses were put, in order to carry on the hazardous work.[1]

One of the points stressed earlier in the introduction of this thesis was that the standards of censorship varied with the different sovereigns. The terms heretical, traitorous, and seditious were applied with varying meaning depending on the form of religion professed by the reigning monarch. It was to be expected, of course, that popish books would be banned

[1] C. H. E. L., Vol. IV, pp. 432-433

under Edward VI. But in the reign of Queen Mary a great effort was made to stem the tide of Protestant literature which the preceding reign had encouraged. Mary's enactment prohibiting the printing or importation of the works of certain authors, religious authors and reformers mostly, was soon rendered null and void. Under her successor, the Protestant Elizabeth, there was no real freedom as with the increase of printing, there also grew up an increasing desire on the part of both State and Church to obtain complete control over the production and distribution of printers' literature.[1]
1558--Elizabeth confirmed the stationers in their charter and in the first year of her reign issued along with the confirmation certain injunctions, one of which had an important bearing on book-production in England for it is the authority on which was based that licensing and censorship of books which was actively enforced by the church dignitaries during this and the next two reigns and which enabled them to obtain and retain a placehold on the output of the legitimate press. This injunction forbade the printing of any book or paper unless it was first licensed by her Majesty by express word in writing or by six of her Privy Council or unless it had been perused and licensed by the Archbishops of Canterbury and York, the Bishop of London, the Chancellors of both Universities, the bishop being Ordinary and the archdeacon also of the place where any such was to be printed or by two of them whereof the

[1] C. H. E. L., Vol. IV, p. 434

Ordinary of the place was always to be one. It also required that the names of such as should allow the same be added in the end of every such work as a testimony of the allowance thereof. The frequent proclamations issued against dangerous and obnoxious books proved both the determination to suppress them and the ineffectiveness of the means employed.[1] The injunction requiring the names of licenses to be added at the end of every book was to become practically a dead letter, but the "Seen and Allowed According to the Order Appointed," which appears on some title pages soon after that date, shows that some degree of supervision was being exercised, and the form of the book entries in the Stationers' Registers clearly indicates the gradually extending operation of the censorship.[2] In 1559, we have record of a fine of two shillings and sixpence imposed on one John King for printing without license "The Nutbrowne Mayde"; in the same year William Jones is mulcted in twenty pence"for that he solde a Communion boke of Kynge Edwardes for one of the newe."[3]

Considerable dissension and dispute among the printers grew out of the numerous grants of printing monopolies during Elizabeth's reign. Such monopolies created a kind of censorship by limiting to favorites the sole rights to print either a definite single book, or a whole class of books. This automatically, at least theoretically, restricted the printing

1 Camb. Hist. of Eng. Lit., Vol. IV, pp. 434-5
2 Camb. Hist. of Eng. Lit., Vol. IV, p. 436
3 Camb. Hist. of Eng. Lit., Vol. IV, p. 438

of other books along that line by those who were not among the favored few. A good example is the lifetime monopoly granted to Richard Tottel for the printing of law books. Another is that of William Seres, who had been deprived under Queen Mary of his privilege of printing Primers and books of private prayers and had suffered imprisonment; with the swing of the censorship pendulum under Elizabeth, Seres recovered his patent with reversion to his son and the addition of Psalters. Other typical monopolies granted were those of Christopher Baker for Bibles, the Book of Common Prayer, statutes and proclamations; John Day (through the influence of the Earl of Leicester) for Psalms in Metre, the A B C and Catechism; Henry Bynneman for dictionaries and chronicles; Richard Watkins and James Roberts for almanacs and prognostications, for twenty-one years, and the Stationers' Company, by James I in 1603, for ever.[1]

These are but a few examples of the monopoly privilege. Although it covered chiefly books of a stereotyped kind and but rarely affected works of a really literary excellence, such concentration none the less bred much discontent in the trade among those who felt the restrictions involved. It was a case of the privileged vs. the underprivileged. The latter were driven to a more speculative class of business, and picked up by one means or another copy that was likely to appeal to the popular taste, like plays, poems, ballads; and

[1] C. H. E. L., Vol. IV, p. 439

it is to these men that we owe the preservation in print of the greater part of the poetical, dramatic, and popular literature of the time. Most of these men possessed neither great literary taste nor a consciousness of the part they were playing; rather were they sensing with a shrewd eye gained through necessity and competition what was most marketable.[1]

1558--A further proclamation was put forth by the king and queen.[2] It had as an aim the suppression of divers books filled with heresy, sedition, and treason which had recently either been brought into England from abroad, or covertly printed in England. Burning was ordered for such books without showing or reading them to other persons under pain of execution according to martial law.

1558--Queen Elizabeth revoked these laws in the same year, at the death of Mary.[3]

1559--John Knox, who has been held largely responsible for the Protestant Revolution in Scotland, wrote a book attacking Mary of Guise, Mary of England, and Catherine de Medici. In this book he was indiscreet enough to make two assertions, which were obnoxious to Queen Elizabeth of England. She resented the statements that no woman is fit to govern and that birth alone without God's approval does not make a monarch. Elizabeth showed her resentment by refusing to let Knox travel through England when in 1559 he returned once more to take up his work in Scotland.[4]

1 Cambridge Hist. of Eng. Lit., Vol. IV, p. 440.
2 Putnam, Vol. I, p.91; Vickers, p. 191.
3 Putnam, Vol. I, pp. 91-2.
4 Markun, p. 43.

The Inquisition in Rome was to publish after 1559 the Brief of the Roman Index; elsewhere, it was to be published by each bishop in his own diocese. English names to be noted were John Rogers, Nicholas Ridley, and Thomas Cranmer. The name of Erasmus omitted here finds place elsewhere.[1] The brief forbade all tracts and books regardless of their title or their subject matter, and whatever language they might be written in, whether they were original productions or translations, whether written or printed by heretics, even when such books did not contain any material bearing upon faith or religion. It also included all books which had been issued in the preceding forty years without the name of the author, and the name and address of the printer, for which the approval and license of the inquisitor or bishop had not been secured. Each copy of the book was to contain a record of such a permit. The brief forbade also books having to do with the subjects of aeromancy, cheiromancy, physiognomy, geomancy, hydromancy, oneiromancy, pyromancy, necromancy, divination, magic or astrology. Exceptions were made in favor of treatises on natural science planned for the guidance of mariners, agriculturalists or physicians.[2] In Rome, in 1559 and again in 1564 all works by John Calvin were forbidden by the Index.[3]

1559--In 1559, a new feature appeared in the system of Indexes and is evidence of the importance that had come to be associated with the influence of the printer-publishers of the time. It was the prohibition of every work that had been produced or

1 Putnam, Vol. I, p. 172.
2 Putnam, Vol. I, pp. 172-173.
3 Haight, pp. 14-15.

that might thereafter be produced from the presses of printers classed as heretics.[1] A curious entry was that of Arturus Brittanus, which stands for the legend of King Arthur and which is responsible for the appearance in later indexes of the heretical author, Thomas Arturus.[2]

1561--Previous to 1561 books were generally licensed by the company without any references to censorship, but after March, 1561, one finds occasional reference to a book's being authorized by the Bishop of London, or rarely, the Archbishop of Canterbury. Two decades later, after John Alymer has become the Bishop of London, the frequent appearance of his name as licenser of all kinds of books, even trifling ballads, evinces the lively interest he must have taken in the subjection of the press to authority.[3]

1562-1563--In addition to individual cases of rigorous censorship exercised by the Stationers' Company, a wholesale raid took place as when William Powell was fined for printing the prognostication of Nostradamus, and nineteen other booksellers were fined for selling the book.[4]

1564--Queen Elizabeth instructed the Bishop of London to cause a thorough examination of the cargoes of incoming ships and to confiscate and destroy copies of slanderous and seditious books.[5] We have already noticed the importance of the Stationers' Company. It received its charter by royal decree in 1556, two years after the marriage of Queen Mary to Philip of Spain. The Stationers' Company was an organization of the

1 Putnam, Vol. I, p. 173.
2 Putnam, Vol. I, p. 174.
3 Camb. Hist. of Eng. Lit., Vol. IV, p. 438.
4 Ibid. Vol. IV, p. 438.
5 Putnam, Vol. I, p. 92; also pp. 258-9.

publishing and printing trade of London, which assumed to represent the publishing interests of the country. It practiced its authority on the theory that all printing was royal prerogative. The Stationers' Company had under its charter summary rights of search, seizure, and imprisonment. Such powers were confirmed or renewed by the Licensing Act. It seems probable that the purpose of the institution of the Company was not so much the furthering of the business of book production as the organization of this business so that it could be reached effectively and promptly by the censorship authorities of the Crown. No question, says Putnam, appears to have arisen in England in regard to any conflicting authority on the part of the Church to control such censorship.[1]

1566--A decree of the Star Chamber was issued authorizing the Stationers' Company to make search for prohibited books in suspected places. The printing, importing, or selling of such books were, of course, condemned, and offenders were threatened with pains and penalties.[2]

1567--A good example of self-censorship exists in the following: Moral infection was supposed to be conveyed by Italian books especially if translated. A certain Puritan, Geoffrey Fenton, who advocated very strict moral standards, made an English version of Bandello's Tragic Tales. Fenton made it his business to alter the book considerably, inserting Biblical allusions, disrespectful references to the Papacy, and an argument that husbands should use the rod to keep their wives properly

1 Putnam, Vol. II, p. 368.
2 Camb. Hist. of Eng. Lit., Vol. IV, 435.

subordinate. To this the Puritans did not object since it conveyed a moral lesson.[1]

1570--Not only were threats made but object lessons followed. The publication in 1570 of one of William Elderton's ballads, entitled "Doctor Stories stumblinge into Englonde", provoked a Privy Council order, commanding the Stationers' Company to allow no book, ballad, nor any other matter to be published without first being seen and licensed.[2]

1570--Early in this year, Pope Sixtus V issued his famous Bull against Queen Elizabeth. Later in the same year there was nailed on the door of the Palace of the Bishop of London, this Bull in which the Pope described Elizabeth as "a bastard and usurper" and also "persecutor of God's Saints."

He declared it to be an act of virtue to be repaid with a plenary indulgence and forgiveness of all sins for anyone to lay violent hands upon Elizabeth and to deliver her into the hands of her enemies.

He considered Philip of Spain as the rightful King of England and Defender of the Faith.

In order to escape censorship in England, Cardinal Allen, an Englishman, published in Antwerp a pamphlet entitled "An Admonition to the Nobility and People of England and Ireland," in which Elizabeth was accused of every crime and vice that could pollute humanity. These charges were set forth with full details said to be unfit for the public eye in those more decent days.[3]

1571--In 1571, an Act of Parliament provided the punishment of

1 Markun, pp. 69-70
2 Camb. Hist. of Eng. Lit., Vol. IV, p. 435.
3 Putnam, Vol. II, pp. 115-117; Vickers, pp. 235-6.

treason against all who should secure from the Bishop of Rome any Bull, Brief or other instrument or should undertake to make distribution of copies of the same.

Under Elizabeth it was further ordered that any person should be treated as guilty of high treason and should be liable to sentence of death if he had in his possession a Catholic book in which was taught the doctrine of the Supremacy of the Pope.[1]

1572--Secret printing naturally became the result of the rigorous enforcement of the policy of regulating printing in the interests of Church and State; especially was this the case with the Papists and the Puritans, both of whom had several illicit presses. The Puritan opponent of Whitgift, Thomas Cartwright, printed in 1572 on his secret press "An Admonition to the Parliament;" this was followed by several other allied tracts but in time the press was run down and seized at Hempstead.[2]

1572--Gregory XIII issued a Bull directing the production of an Index Expurgatorius on the lines of that published in Antwerp. The work was delayed somewhat so that it was not until 1590, five years after Gregory's death, that this Roman Index appeared. We find that during the reigns of Pope Pius and Gregory attention was given to the production of an expurgated edition of the works of a number of authors such as Erasmus and Boccaccio who had a great influence on English literature.[3]

In passing, it might be interesting to note that English works suffered censorship outside of England as well. For

1 Putnam, Vol. II, pp. 258-9.
2 Camb. Hist. of Eng. Lit., Vol. IV, p. 469.
3 Putnam, Vol. I, p. 221.

instance, the Parma list of books banned included a condemnation of the Bible of Myles Coverdale of which but few copies could have even been within reach of readers in Italy.[1] There appeared again the "Utopia" of Thomas More and "The Praise of Folly" by Erasmus in a special list headed: "Books to be permitted if corrected."[2]

Rome made her attitude clear in connection with the prohibition of certain books that although the books were condemned, it was not to be construed that their authors, frequently well-known throughout the Christian world as devout believers, were themselves condemned as having fallen from the true faith. There were various causes for the prohibition in which, in some cases, heretical writings had been falsely issued under their names; in other instances, heretical publishers or editors had connected with the original text (in itself orthodox) heretical notes, comments, or interpolations; in another instance, those writings addressed to scholars and suited only for scholarly understandings, which had been printed in the language of the common folk and circulated in such fashion as to cause mischief and error to unlearned believers, unskilled in matters of doctrine; finally, those works which, while of service in the special period in which they were prepared and for which they were issued had fulfilled their mission, and were now to be withdrawn or canceled. Fisher, the Bishop of Rochester, and Thomas More are among some of the suthors whose names are connected with this note.[3]

1 Putnam, Vol. I, p. 234
2 Ibid, p. 236
3 Ibid, p. 238

1580-1--Another example of the use of the secret press was that with which Robert Parsons and Edmund Campion were connected. CAmpion, after a brilliant career at Oxford, was favored by Elizabeth, and although a Catholic, took the oath of supremacy and deacon's orders according to the new rite. Unable to acquiesce fully to the doctrines of the Reformation, he left Oxford, and entered the seminary at Douai, 1573. Later at Rome, he joined the Society of Jesus, and was sent back to England to reclaim wavering or temporizing Catholics. An alarm raised against him forced his flight to the North, where in hiding, he wrote his famous tract, "Ten Reasons." Censorship of this took the form of his arrest and subjection to examination under torture.

He requested a public disputation in which he was victorious, although he was denied opportunity for preparation. A farcical trial resulted in his condemnation and execution.

Robert Persons or Parsons was also famous for the English Mission which they maintained at the greatest risk. Ability to keep their printing-press in England became out of the question, and Parsons was forced to transfer it to Belgium, where he commenced his work for armed intervention in behalf of English Catholics, and wrote his greatest work, the "Christian Directory", which, it is clear, he was unable to publish, although he conceived it while in England.[1]

[1] C. H. E. L., Vol. IV, p. 469; The New Catholic Dictionary, pp. 322-3, p. 748

1582--John Day, one of the largest patentees, preferred a complaint in 1582 to the Star Chamber against Roger Ward for printing, and William Holmes for selling pirated copies of the "ABC with a little Catechism", a publication for which Day held a patent of monopoly. This was an excellent example of the clashing of interests that led to various efforts on the part of the lesser men to obtain redress of their grievances. In defending himself against the charge, Ward made a stout defense eked out with convenient lapses of memory, and pleaded that a very small number of stationers, having got all the best books to be printed by themselves by privilege, had left little or nothing for the rest of the printers to live upon. Also in 1582, William Seery appealed to Lord Burghley against the infringement made by certain stationers of his right of printing primers and psalters. The way he words his complaints shows us that there existed, more or less, organized piracy by the younger men of the company.[1]

Also in 1582, it is interesting to notice how the Stationers' Company tried to put down competition. In that year Thomas was appointed as University printer to the University of Cambridge, which had been granted the right in 1534 by Henry VIII to elect three stationers or printers or sellers of books; although printers had been regularly appointed under this grant, no actual printing had been done in Cambridge since

[1] Camb. Hist. of Eng. Lit., Vol. IV, pp. 440-441

1522. When the Stationers' Company heard of the intention to establish a University press, it managed to have Thomas' press and furniture discovered by its searchers and seized and detained. The Bishop of London, John Aylmer, defended the Stationers' Company professing great concern for the interest of printing, but really suspicious of the power which the new press might play in the hands of the Puritan party in Cambridge. Lord Burghley, the Chancellor of the University, was appealed to for the restoration of the press. Although the University succeeded in vindicating its claim to the privileges of the patent, a jealous struggle continued with the London Company for many years with varying successes and reprisals on both sides, the University, on the whole, steadily gaining ground, and in the end completely establishing its right to print.[1]

In 1582, Parliament resorted to censorship once again. This time by an Act it declared it to be a felony to write, print, sell, distribute or possess books, rimes, ballads, letters or writings of any kind which contained matter against the fame of the Queen, or was in any way injurious to the repute of the government. Under this law two ministers belonging to the sect of the Brownists,[2] Thatcher and Copping, were tried and executed. Incidentally, this was not the first time during Elizabeth's reign that the Brownists had come to public attention, for in 1575 she had approved a new Act directed against, not only the Catholics, the Anabaptists and the Puritans, but the Brownists, too, and as a result, a number of people had been condemned and burned. Among the books prohibited by this law

1 Camb. Hist. of Eng. Lit., Vol. IV, p. 467.
2 Putnam, Vol. II, pp. 258-9.

of 1582 were certain writings of Henry Nicholas of Leyden, which had been translated from the German. The law ordered that any person possessing or distributing these writings should be punished.

1583--The Queen issued a proclamation against the publishers, booksellers, or possessors of pernicious and schismatic literature.[1] We have already seen that the monograph by John Knox had been censured under the directions of Queen Elizabeth by the Archbishop of Canterbury.[2] Again in 1583 it was condemned by the University of Oxford and was to appear once more in the Index of Sixtus V in 1590.[3]

This was the year in which Whitgift ascended the throne of Canterbury; his rigorous discipline marked further steps in the progress of control.[4] An excellent example of the above-mentioned piracy among the printers is the case of John Wolfe of the Fishmongers' Company. Wolfe was a born agitator who not only printed other mens' copies but incited others to defy the constituted authorities. The Stationers' Company, in 1583, addressed to the Privy Council a petition against him and his associates relating that upon being remonstrated with, Wolfe declared that he would print all their books if he lacked work. When he was reprimanded, "that so mean a man as he should not presume to oppose her Highness' government," Wolfe is supposed to have answered, "Luther was but one man and reformed all the world for religion, and I am that one man that must and will reform the Government in this trade." The result was that some

1 Putnam, Vol. II, p. 259.
2 Markun, p. 43.
3 Putnam, Vol. I, pp. 251-2.
4 Camb. Hist. of Eng. Lit., Vol. IV, p. 467.

efforts were made to effect a compromise between the disputants. The patentees surrendered a number of their copyrights for the use of the poor of the Company and Wolfe, it is supposed, acknowleged his error and became admitted into the Stationers' Company. Shortly after, we find Wolfe with one Francis Adams appearing in a Star Chamber case indignant at the lawless infringement of a printing patent in which they had a share, and Wolfe is later found taking an active part as an official of the Company in a search for secret presses.[1]

1584--William Carter, a printer who had been imprisoned frequently for printing "Naughtye Papystical Books," found the threats of law carried out against him, for in 1584, he was condemned for high treason as having printed a certain seditious book entitled "A Treatise of Shisme," and he was drawn from Newgate to Tyburn and there hanged, bowelled, and quartered.

1585--The Star Chamber prescribed that each University should keep in activity but one press and prescribed from year to year the number of presses permitted in London.[2]

1586--In an attempt to do something about the long standing feud between the printers who held monopolies and the underprivileged men who were continually infringing patents, the Star Chamber enacted a most important decree for the regulation of printing. This was practically a consolidation in amplification of previous legislation and was superseded only by the still more stringent but short-lived decree issued by the Star Chamber of Charles I in 1637. The 1586 ordinance enacted that all presses at that time set up and any which might thereafter

1 Camb. Hist. of Eng. Lit., Vol. IV, p. 441.
2 Putnam, Vol. II, p. 259.

be set up should be reported to the master and wardens of the Stationers' Company. That no press should be set up in any other place than London except in the Universities of Cambridge and Oxford and only one press in each of these places. It also limited the erection of any further presses until such time as, by death or otherwise, they were reduced to the number which the Archbishop of Canterbury and the Bishop of London should think requisite for the service of the realm. In the case of such vacancies occurring, the Company was to nominate three Stationers to fill the vacancies and to present them to the ecclesiastical commissioners to be licensed. Severe penalties, of course, were threatened against any who should print any book except those which had been allowed according to the order appointed by the Queen's injunctions.[1]

About this time the so-called Marprelate tracts gave rise to the most famous controversy of the period, and won for themselves a place in the annals of literature by the originality of their style and pungency of satire. In 1583, John Whitgift, who uncompromisingly opposed the puritanism which had been gaining rapid strides among the clergy under the weak Archbishop Grindal, was promoted to the see of Canterbury. On being appointed to this post, he found it necessary to enforce stringent measures in order to take the destiny of the Church out of the hands of the Puritans. In 1586, he succeeded in getting the Star Chamber to forbid the publication of any book or pamphlet unless previously approved by himself or the Bishop of London, to empower him to ascertain

1 Camb. Hist. of Eng. Lit., Vol. IV, pp. 435-6.

the number of printing presses in use at the time, to revive a previous law involving severe penalties for printing slanderous or seditious books.[1] Whitgift's policy of relentless repression sought to curb the increase of Puritan pamphlets in order to check the spread of what he considered heretical doctrines, but instead the Marprelate tracts were the direct reaction to the deep feeling of indignation that arose. They openly defied the newly created censorship. The obnoxious regard with which the Puritans looked upon episcopacy became doubled since it had now become the political instrument of their persecution. It is believed that Elizabeth approved secretly of Whitgift's policy but she preferred to let the full blame it involved rest alone on his shoulders. He bore the burden for ten years until there was a strong reaction in Parliament, which had been formerly strongly Puritan in its sympathies. The reaction expressed itself with the famous anti-Puritan Statute of 1593, punishing with banishment or even death anyone who attacked the existing ecclesiastical settlement. And so, we find, the Puritan violence abated as suddenly as it had arisen a decade before.

Thus, says the Cambridge History,[2] the vessel of Puritanism became wrecked on its first trial voyage, in the teeth of the winds of tradition and authority. And yet, this proved to be another of those instances when censorship had a good

1 This material on the Marprelate tracts is condensed from C. H. E. L., Vol. III, pp. 425 ff.
2 C. H. E. L., Vol. III, p. 427

effect on literature because the Marprelate controversy left behind it, after the battles between bishops and sectarians had waned, what are recognized today as the chief prose satires of the Elizabethan period. When these battles were perhaps at their peak, the literary debut occurred of a personality known as Martin Marprelate, gentleman. His activity lasted for a period of only two years, but in that time, short as it was, he thoroughly frightened the entire episcopal bench, helped undermine the authority and prestige it had had with the common people, in making a good laughing-stock for the general public to enjoy.

Martin was not the first to engage in the controversy; he had had predecessors. A Puritan printer named Robert Waldegrave in 1584 printed on his press in the famous black-letter type that characterized the later Marprelate tracts a small volume entitled "A Dialogue concerning the strife of our Church." This pamphlet, almost certainly because of its resemblance to his other works, is attributed to the pen of John Udall. Although it did not seek to promote presbyterian discipline, it did discuss such topics as non-residency, dumb ministers and the pomp of bishops. It was followed in 1586 by a clever satire on the Episcopacy, a satire which pretended to be anti-popish but it did not escape, despite its subtle approach, the keen eye of Whitgift, who so effectually arrested its progress that if he had not preserved a copy in his own library, we might never have heard of it.

The satire was an anonymous pamphlet supposedly a com-

mission sent to the Pope and the clergy by Satan. Two of Martin's forerunners were concerned in the production of the famous Tracts themselves and they were John Penry and John Udall.

Penry was imprisoned in 1587 for a month while his petition to Parliament called attention to the deplorable state of religion in his native country, Wales. Whitgrift seized the petition entitled, "Treatise Containing the Aequity of an Humble Supplication." Although it has been described as a bitter attack upon the Church, it contains nothing to support the description. As a matter of fact, the pamphlet contains greater arguments for treason rather than for heresy. The Puritans hesitated out of loyalty and fear to associate Elizabeth with what they considered the evil practices of the bishops; yet since the bishops derived all their civil authority from her, it was difficult to avoid accusing her by implication. So Penry attempted to solve the problem by accusing his adversaries of treason by laying the Queen open to the possibility of such slanders. In turn, Whitgift became angry, but failed to bring about Penry's conviction. John Udall's personal connection with Martin was much slighter than Penry's but a small pamphlet by him entitled "The State of the Church of England" or, as it is more generally called, "Diotrephes", takes its place as the first and most thoughtful of the Puritan pamphlets in the controversy. It is based on the argument that while Episcopacy is the root of all social and religious evil, Popery is the root of Episcopacy. At first Udall kept his identity secret and the whole weight

of Whitgift's wrath fell upon the printer Robert Waldegrave, who had already suffered several terms of imprisonment for printing Puritan discipline tracts. After he had again defied the authorities in 1588 by publishing Penry's second Welsh Tract entitled "An Exhortation," his house was entered by the officers of the Stationers' Company and enforcing Whitgift's Star Chamber Ordinance, a press, some type, and many copies of "Diotrephes" were confiscated and destroyed. Although Waldegrave escaped, carrying with him some small Roman and Italic type, his occupation was gone, and he had a wife and six children dependent upon him. His ruin, says the Cambridge History,[1] was Martin's opportunity. Another name to be mentioned in this story is that of John Field, a famous Puritan preacher and part author of the first "Admonition to Parliament."

Although his death in 1588 preceded the publication of Martin's first pamphlet by at least eight months, the Marprelate controversy may well be regarded his legacy to his old enemies, the bishops. Certain notes collected by Field before his death and consisting of stories to the discredit of the most prominent bishops of the day came into the hands of Martin and formed the basis of his earliest tract entitled "The Epistle." It is likely that had these been destroyed, as Field wished, upon his death bed, there would have been no Marprelate controversy.

The type that Waldegrave had rescued from the hands of the authorities was conveyed from place to place. During

1 This material on the Marprelate controversy, is largely a digest of the material in the Cambridge History of English Literature, Vol. III, Chap. XVII, pp. 425 ff.

its travels the various Marprelates were published, but the authorities were unable to discover the wandering press. In November of 1588, Burghley, by royal command, wrote an urgent letter to Whitgift bidding him use all the means in his power to bring the authors to book. In January, 1589, an unsuccessful raid was made on Penry's house at Northhampton, and in February a proclamation was issued against sundry schismatical and seditious books, defamatory libels and other fantastical writings. Waldegrave's desertion from the Marprelate cause was a sad blow for Martin. His successor an inferior printer, was John Hodgkins, who continued the work. While actually printing a new tract near Manchester, he and two assistants, Symmes and Tomlyn, were arrested by the Earl of Derby. The press, type, and manuscript were seized with all the printed sheets of "more work" that had already been struck off, and Hodgkins and his men were carried to London and examined under torture. But this did not bring the matter to a close for with the aid of the other press and Penry's original type at Mistress Wigston's the seventh and last Martin tract was produced in September, 1589, at Throckmorton's house, issued under the title of "The Protestation." This is the last of the seven extant Marprelate tracts although we know that many more have been circulated in manuscripts. The printers of this last tract were probably Penry assisted by Throckmorton and Waldegrave before continuing his journey to Scotland, where, in 1590, he became royal printer to King James. Shortly after, Penry also fled to Scotland.

Their departure was very timely because in October Henry Sharpe, a bookbinder of Northhampton, revealed to the Lord Chancellor the whole story of the Marprelate threat. This resulted in the arrest of Sir Richard Knightley, Hales and the Wigstons. Udall was summoned to London in 1588 and cast into prison. A couple of years later, Penry returned to England and joined the Separatists. Shortly after, he was arrested and in 1593, was hanged on a trumped-up charge of treason, thus paying, says the Cambridge History, with his life for the part he had taken in the Marprelate controversy. His partner, Job Throckmorton, probably far more guilty than he, swore at the trial that he was not Martin and did not know Martin. The seven Marprelate tracts, which have come down to us,were as follows: 1. "The Epistle," which was based on Field's notes; 2. "The Epitome," which was based, like the fourth one, on the apologetics of Bridges and Cooper; the third one,"The Minerall," which was really a potboiler for time in preparation for other answers to some of the tracts that were being prepared in opposition to the Marprelate one. Then the fourth one entitled"Hay Anyworke For Cooper?" The fifth tract was entitled"Martin Junior or Theses Martinianae." This was the first attempt at any literary form in the Marprelate tract. It was made up of 110 theses against the bishops, supposedly a manuscript discovered by Martin Junior under a hedge and in his father's handwriting. The sixth tract was entitled "Martin Senior or The Just Censure and Reproofe," Martin Senior being

the eldest son of Martin the Great. It included eleven points with a solemn diatribe against the Episcopacy, a proposal to be presented to the Queen and the Privy Council and lastly, an answer to the Anti-Martinist rimes in what was called Mar-Martine (in other words, doggerel for doggerel).[1] The last of the Marprelate Tracts was entitled "The Protestation" and this was definitely a protest or defiance on the part of Martin when he was about to die. This tract plunges into the question of the late capture, declares the anonymity of Martin, protects him, and it continues to rail against the bishops as butchers and inquisitors. An eighth tract entitled "The Dialogue" hasn't survived. It was printed in 1589 by Waldegrave and reprinted in 1643 under the title, "The Character of a Puritan" by Martin Marprelate. The forces of authority paid special attention to the cases of Penry, Waldegrave, and Udall, the last of whom admitted under examination in 1590 that certain notes of his concerning the Archdeacon of Surrey and a usurer at Kingston had found their way without his knowledge into the tract of "The Epistle." Similarly, we find that Throckmorton was a principal agent in the Marprelate business and has been said by some to be the man that principally deserved the name of Martin. The bishops' counterattack revealed three distinct phases in their tactics, each involving a different section of their supporters. Martin, we are told, found himself opposed, not

[1] Camb. Hist. of Eng. Lit., Vol. III, p. 441

only by the heavy battalions of theology, but also by the archery of dramatic lampoon and the light cavalry of literary mercenaries.[1] Some of the other writers of the day who in varying degrees joined their voices to the general wrangle were Gabriel Harvey and his brother Richard, the poet Greene, Nash, and, to a slight extent, John Lyly. The entry of the Harveys is an indication of the widespread interest taken in the controversy and certain tracts noted in the Stationers' Register together with the list of pamphleteers given in "Martin Junior" shows us that there were many other writers who did not necessarily support either side but who felt compelled to voice their opinions upon the fixed topics of the day. The honor of this battle of the books, as the Cambridge History calls it,[2] belongs, as far as literature is concerned, to Martin himself. The tracts are part of English Literature; the answers to them, little more than material for literary history. It is interesting to notice that none of the pamphlets written to order in behalf of the bishops were entered at Stationers' Hall. This would seem to imply that while Whitgift and Aylmer sanctione them privately, they were ashamed to authorize them publicly. Except for "Martin's Month's Minde," most of the anti-Martin tracts are insignificant from a literary point of view. The partial responsibility for them by Lyly and Nash alone rescued them from the oblivion into which they would otherwise have fallen.

1 Camb. Hist. of Eng. Lit., Vol. III, pp. 437 & 444
2 Ibid, p. 451

It was not the work of Martin's literary opponents that brought about his silence but rather that of the Pursuivants. Before leaving the subject of the Marprelate controversy, it might be apropos to point out that the censorship involved played its part in determining some of the English literature of the time. Martin has justly been called the Great prose satirist of the Elizabethan period and may be rightly considered the forerunner of that much greater satirist whose "Tale of a Tub" was a brilliant attack upon all forms of religious controversy. Martin's style had a quick and deep influence upon his contemporaries. Especially is this true in the case of Nash, who was at the time a young writer with a style hardly formed even though it was Nash's proud boast later that he owed no debts as far as his style was concerned to any man; yet it is impossible not to notice that the most modern and the most racy prose writer of the Elizabethan age owed a considerable debt to old Martin Makebate in contest with whom he won his spurs.[1] So much for the Marprelate controversy, which abated (as suddenly as it had sprung up in 1583) when Parliament passed the famous anti-Puritan Statute of 1593, punishing those who attacked the ecclesiastical settlement with banishment or even death. And now to return to our chronological survey.

1587--Upon publication of the second edition of Holinshed's Chronicles, the Privy Council of Queen Elizabeth ordered excised certain passages that had to do with the History of Ireland, passages which were offensive to her. It was from this edition that Shakespeare drew material for his tragedies of Macbeth, King Lear, and Cymbeline,[2] as well as for his English chronicle plays.

[1] Cambridge History of English Literature, Vol, III, p. 452

[2] Haight, p. 19

1588--By this time, it has become the practice to enter the name of the licenser and that of one or both of the wardens of the Company and in the same year, Whitgift, who was considerably spurred on by his Marprelate opponent, appointed twelve persons to license books to be printed. Among these twelve perhaps the most active were Abraham Hartwell, the younger, secretary to Whitgift and a doctor, Stallard. Still another was the author and formerly a printer, Robert Crowley, from whose press came three editions of Piers Plowman in 1550. Incidentally, to avoid earlier censorship during Queen Mary's reign, he had sojourned abroad but was now back with Elizabeth on the throne. He renewed his connection with printing after his return and was admitted a free man of the Stationers' Company in 1578. Here it might be mentioned that prominent censors in succeeding years were the following: Richard Bancroft, chaplain to Whitgift and afterwards his successor, to whose activity was largely due the unearthing of the Marprelate press; William Barlowe, also Whitgift's chaplain and later Bishop of Lincoln; Richard Mocket and Daniel Featly, a famous controversialist and Westminster assembly divine. Nor were those men, censors by ecclesiastical warrant, the only ones. At various times secular authorities authorized the printing of books, as when Sir Francis Walsingham, the Lord Treasurer's secretary, or even Lord Burghley himself acted in that capacity. On occasion the authority of the Privy Council was obtained or perhaps a book might be passed by the Lord Mayor or the city recorder.[1]

[1] Camb. Hist. of Eng. Lit., Vol. IV PP. 436-7

The Queen issued a proclamation forbidding under severe penalty the printing of schismatic, seditious, slanderous, or fantastic works, existing copies of which had to be delivered to the bishops for destruction after they had determined the character of the works. "The Gaping Gulf" was among the titles specified of seditious books to be destroyed. It was a pamphlet based on the scheme for the marriage of the Queen with the Duke of Anjou.[1]

1589--An instance when professional aid was invoked occurred in 1589 when a medical book was entered under the hands of both the warden and "three Chirurgyans appointed to peruse this booke."[2]

1590--In the Roman Catholic Index compiled under Pope Sixtus V there appears the name of the Englishwoman Anne Askew. The compilers of this Index have discovered the pernicious character of a monograph by William Camden published in London in 1584 under the patronage of Lord Robert Cecil. Camden, whose thoughts always were for the virtues of the Queen and to uphold the Protestant Faith,[3] undertook to prove that there had been under Elizabeth no persecution of the Catholics on the ground of their faith.

Similarly banned in this same index of Sixtus V, one finds the title of the monograph of John Knox described as "Liber Contra Regimen Feminarum." The name of the author, John Knox, does not appear nor does the original English title, namely "The First Blast of the Trumpets against the monstrous regiment and empire of women" until the Index of Pope Benedict XIV in 1758. It will be recalled that the original issue had

1 Putnam, Vol. 1, p.93.
2 Camb. Hist. of Eng. Lit., Vol. IV, p. 437.
3 Camb. Hist. of Eng. Lit., Vol. III, p. 372.

been censured under Elizabeth in 1577 and again in 1583 by the University of Oxford.

1593--Byers and Greenward, both Brownists, were executed as heretics. It is the view of Father Hilgers that throughout the whole of Elizabeth's reign there was a persistent and bloody persecution against any kind of freedom of thought (cited by Putnam, Vol. II, p. 259).

1594--Several stationers were heavily penalized for selling "psalms disorderly printed."[1]

Adfield and Carter suffered death because the former had brought into England a Catholic book and the latter had had the same in his possession. A sect that fell under Elizabeth's displeasure was the "Family of Love." Its founder was a Dutch Anabaptist, born at Delft, by the name of David George, but the leader whose influence was of greater importance was Henry Nicolai of Munster. It was he who gave out that his writings were of equal authority with Holy Scripture. Moses, he claimed, taught mankind to hope, Christ to believe, but he taught man to love, which last is of more worth than both the former.[2]

1595--It was ordered by the court of the Stationers' Company that the press, type and other printing stuff owned by Abel Jeffes,which had been seized and brought into the hall, should be defaced and made unserviceable for printing; Jeffes was accused of having printed "lewde ballades and thinges verye offensive."[3]

1596--The Index of Pope Clement VIII is the only Papal Index which before coming into publication secured the advantage of

1 Camb. Hist. of Eng. Lit., Vol. IV, p. 437.
2 Putnam, Vol. II, p. 259
3 Camb. Hist. of Eng. Lit., Vol. IV, p. 438

consideration from various points of view, and other revisions extending over three years.[1] A number of Englishmen were included in this Index such as Matthew Parker of Canterbury, Matthew Hutton of York, William Fulke, and John Knewstub.[2]

1597--The original edition of William Shakespeare's "Tragedy of King Richard II" contains a deposition scene of the king, and so infuriated Queen Elizabeth that she ordered it eliminated from all copies. It was not re-inserted until after her death in the edition of 1608. Elizabeth complained to Lombarde that the play had been acted forty times in streets and houses for the encouragement of disaffection.[3]

1599-Certain of Ovid's Elegies, translated by Christopher Marlowe, were burned in Stationers' Hall by order of the Archbishop of Canterbury because of immoral tendencies.[4]

During the 17th century a number of works of no intrinsic importance belonging under the class of facetiae and textbooks including poems, periodicals and cyclopedias were condemned on the grounds of certain references characterized as disrespectful concerning church matters. Certain textbooks also found their way into the lists because they were reproducing the texts of classic authors who were classed by the ecclesiastics as obscene and immoral. The action of the authorities, says Putnam, in regard to literature of this kind was curiously varied and it does not seem possible to find for it any consistent policy or principle.[5]

1601--We have seen how Queen Elizabeth censored the play

1 Putnam, Vol. I, p. 255.
2 Putnam, Vol. I, p. 256.
3 Haight, pp. 19-20.
4 Haight, p. 4.
5 Putnam, Vol. I, p. 130.

"Richard II" in 1597. In this year, 1601, Sir Gilly Merrick paid some players forty shillings to revive the play on the afternoon when the Earl of Essex sought to rouse London against the Queen.[1]

1602--Although in 1555 Machiavelli's "Prince" was put on the Index by Pope Paul IV, even though Machiavelli had been ambassador and adviser of Popes and Cardinals in his day, and again on the Index of Clement VIII, the Elizabethans did not express their idea of, and hostility to, "The Prince" until 1602.[2]

1603--Some thirteen booksellers got themselves into trouble for selling only seven copies of an unauthorized edition of "Basilicon doron".[3]

1606-1853--The English Oath of Allegiance.

An important question in the relations between the Papacy and England calling for attention under Pope Paul V was the issue that arose with James I of England after the discovery of the Gunpowder Plot. In 1606, King James issued an order for a fresh oath of allegiance to be taken by all English Catholics. The Pope forbade Catholics to take this oath because it included the statement that the claim of the Pope to have the right to depose Kings and Princes and to absolve their subjects from allegiance was godless, infamous and heretical. The several statements brought into print on behalf of King James in defense of the wording of the oath were condemned by the Inquisition. The treatises of the English Catholics, William and John Barclay, and Thomas Preston ("Roger Widdrington"), in reply to the defense of Bellarmin of the Papal contentions were promptly placed upon the Index in

1 Haight, pp. 19-20.
2 Haight, pp. 17-18.
3 Camb. Hist. of Eng. Lit., Vol. IV, p. 438.

connection with a long series of later monographs or the same subject. Successive Popes (Urban the VIII, in 1626, Innocent the X and Alexander the VII) declared again the oath of allegiance to be invalid. Toward the end of the 18th century an oath of allegiance substantially identical was, however, approved by six theological faculties in England and by the apostolic vicar in England and this decision was accepted without protest by Rome. In the oath of allegiance (which is distinct from the oath of supremacy, the latter not being required from his Catholic subjects) James required the Catholics to acknowledge the rightful King of England, that the Pope had no authority to dispossess him or to incite a foreign prince to war against him, or to pardon his subjects for disobedience to the British law. They were further called upon to swear that, irrespective of any Papal decrees of deposition or any threat of ex-communication, they would remain loyal to the King, and further that they were to declare as godless and as damnable the theory that the Pope could release any subject from obedience to his rightful sovereign. Finally they were called upon to declare the belief that neither the Pope nor any other authority could release them from this oath. In 1608, James wrote a defence of the oath, which was printed in a Latin version prepared by Henry Savile. This apology of the King did not find favor in Rome and it was condemned by two successive decrees of the Master of the Sacred Palace in July and in September of 1609, the year of its publication. A further prohibition was issued by the Inquisition some months later. A treatise by William Barclay, a Scotch

Catholic, printed in 1609 after the death of its author, presents the arguments against the authority either direct or indirect of the Pope in secular matters. This was duly condemned in Rome in 1610 and in Paris in 1612. It formed the text to the famous treatise of Bellarmin entitled "Tractatus de Potestate summi Pont. in rebus temporalibus". The treatise written by the Benedictine, Thomas Preston, under the pen name of Roger Widdrington, really an explanation of Cardinal Bellarmin's treatise about Papal authority, was printed in London in 1611 and prohibited in Rome in 1613 by a general decree. The Index of the Congregation in 1614 issued a special decree prohibiting the work together with a second treatise of the same author. Later, the Index included a further group of essays, by Widdrington. In 1680, sixty divines of the Sorbonne rendered a judgment to the effect that the Catholics in England could, with a safe conscience, swear loyalty to King James and accept the oath of allegiance. A monograph making record of this judgment was printed in London in 1681 under the title of "English Loyalty vindicated by the Divines, or a declaration of three score persons of the Sorbonne for the oath of allegiance," and in 1682 prohibited by the Inquisition.

Another monograph that secured a wide circulation, being printed in fact thirty-five times in fifteen years under the title of "An Abuse Misrepresented and Represented", escaped formal condemnation although it took strong grounds in behalf of the English contention. In 1760, the theological faculties of

Paris, Louvain, Douay, Valladolid, Salamanca, and Alcala united in a declaration to the effect that the Pope possessed in England no authority over civil affairs and had not power to release the subjects of the English Kings from the Oath of Allegiance and that no Catholic was under obligation to accept instruction from the authorities of the Church that would interfere with this allegiance.

In 1853, Professors Russell, Patrick Murray, and others of the Catholic College of Maynooth declared in connection with a parliamentary investigation that, according to their own opinions and to the purport of their teachings to their students, the Pope possessed neither direct nor indirect authority in the United Kingdom in secular matters. They stated further that the contrary doctrine was now considered as practically obsolete.[1]

1607--James I had come to the throne in 1603 when the divine-right-of-kings theory had become a monarchical axiom. It is only to be expected, says Vickers,[2] that flatterers would exalt this alleged royal dignity, and assert the most extravagant claims for it. Accordingly, when Dr. Cowell's "Law Dictionary" was published in 1607, at Cambridge, there resulted animated discussion and angry feelings. Cowell's book maintained that the king was not bound by the laws of the realm; that he could pass laws without consulting Parliament; and that even finance was subjected to vote of the estates

1 These notes on the English Oath of Allegiance are based on Putnam's Vol. I, pp. 266-7 & Putnam, Vol. II, pp. 115-118

2 Vickers, pp. 371-2

by favor and not of right. In this famous book, the coronation oath was explained away, and the right of the king to alter any law he pleased was broadly stated. The book was censured in both Houses of Parliament; the king didn't dare resist public opinion, so the author was imprisoned temporarily and the "Law Dictionary" suppressed by being committed to the flames. The Commons gave thanks for a victory over their sovereign. The king had evidently learned a lesson from the despots of Continental Europe. At any rate, (says Vickers), Pope Borgia's decree concerning the censorship of the press was covertly introduced into England. James continued his war against books fitfully and according to his humor, and was Jesuit, Calvinist, or Arminian by turns. Take for instance his censuring and burning of Dr. Mocket's "Doctrina and Politia Ecclesiae Anglicanae" for no errors but the mere omission of part of the Church of England articles and a mistake in the order of precedence accorded to the Bishop of Winchester.[1]

1608--James I in a Proclamation concerning the supervision of literature shows the royal hand trying to tighten up the censorship. In part this proclamation reads:

> "For better oversight of books of all sorts before they come to the presse we have re-

1 Vickers, pp. 372-3.

solved to make choice of commissioners that shall look more narrowly into the nature of all those things that shall be put to the presse either concerning our authoritie royale, or concerning our government, or the lawes of our kingdom."

1612--Bartholomew Legate was burned at Smithfield for holding Unitarian opinions and Edward Whitman was burned at Litchfield for holding no less than nine "damnable heresies". These are the last instances of execution for heresy in England.[1]

1613--George Wither was imprisoned for the satirical attack he made upon the Chancellor, contained in "Abuses Stript and Whipt", of which the earliest extant copy is dated 1613.[2]

1614--The first edition of Sir Walter Raleigh's "The History of the World" was called in by James I "for divers exceptions, but especially for being too saucy in censoring printers." [3]

Stringent as these regulations for the control of the press in England might seem to us in retrospect today, they were no way nearly as strenuous as those to be met with under the Puritan regime of the following years when the monarchy went out, and English people sought to find a suitable type of government.

1 Putnam, Vol. II, pp. 257-8.
2 Buchan, J. - History of English Literature, Sec.III, Chap.8, Later Poetry of Elizabethan Age, pp. 196-8.
3 Haight, p. 20.

1617--John Minsheu, the lexicographer, took matters into his own hands and printed, "at his owne charge for the publicke good", his poligraph dictionary entitled "Ductor in Linguas," but since the book was boycotted by the Stationers, he was forced rather unsuccessfully to seek subscribers for it himself.[1]

1618--"The King's Book of Sports" issued by King James in 1618 on the advice of Morton, Bishop of Chester, had been ordered to be read in all churches throughout England. Copies were publicly burned in a number of the Puritan Counties. This shows us that the Puritans, who also utilized for the purpose the services of the common hangmen, continued the practice of burning books.[2]

1621--"Wither's Motto" was the cause of his second imprisonment though, says Buchan, it is difficult to discover why.[3]

1622--In the case of Dr. Montagu, later Bishop of Winchester, an attempt was made to induce Parliament to stultify its own character by becoming a censor of books. This clergyman published a treatise styled "A Gagg for an old Goose" in answer to certain Jesuits. The book was examined by two self-constituted censors and declared to be Popish, and Parliament was petitioned to suppress it. The King also was urged to proceed against this book on the ground that it was Arminian. Dr. Montagu wrote accordingly another book entitled "Appello

1 Camb. Hist. of Eng. Lit., Vol. IV, p. 447
2 Putnam, Vol. II, p. 262
3 Buchan, pp. 196-198

Caesarem" in defense of his opinion. Shortly after the accession of Charles I the new committee on religion took up the question, and, prayed the King

> "that the said Richard Merrick Montagu may be punished according to his demerits in such exemplary manner as may deter others from attempting so presumptiously to disturb the peace of the church and state and that the books aforesaid may be suppressed and burned."

Yet not withstanding, Dr. Montagu became Bishop in 1628.[1]

In the same year, David Pare's commentary on The Epistle to the Romans was burned in London, Oxford and Cambridge by order of the Privy Council. About this time, Dr. Mainwaring, one of the King's chaplains, next fell into trouble for some sermons in which the opinions of Dr. Cowell were re-asserted. The sermons were censured by the House of Commons. He was to be imprisoned, fined a thousand pounds, to be suspended from his ministry, disabled from holding any dignity and from preaching at court; and his books to be burned in London and at the University. However, the matter eventually rested, and Dr. Mainwaring became Bishop of St. David's.[2]

1626--John Barnes, the English Benedictine, was, under the command of Pope Urban VIII, arrested in Paris, brought to Rome and condemned by the Inquisition to imprisonment for life. He died after thirty years' confinement, in a state of idiocy. Among Barnes' writings which have been placed on the Index, the most important is the treatise entitled "Romano Catholicus

1 Vickers, p. 373
2 Vickers, pp. 373-4

Pacificus",which was first published in England after the death of the author.[1]

1627--Thomas James, the librarian of the Bodleian Library at Oxford, brought into print under the title of an "Index Generalis" a summary or catalogue which had been made up from the Church Indexes that had thus far come into print and of which James had been able to secure copies. It was his purpose to present in this general catalogue the titles of the more important of the books condemned under the censorship of the Church, copies of which books it was, as he pointed out, important to secure for the Bodleian collection. The so-called James Index came to be a working guide for book-buyers and its publication had a direct effect upon the circulation in England of the books specified. It is, therefore, quite in order to make reference to it. Because of its influence on censorship and especially on the book trade of England, English scholars utilized it during the succeeding years, generally as a convenient guide to the literature condemned by the Church and which on the very ground of its condemnation might be assumed to possess interest and value for them, who were not troubled by the dread of ecclesiastical penalties. James made the recommendation that copies of the works referred to should be secured for the Bodleian Library; his recommendation has been carried out quite effectively, in fact so effectively that the list is now very nearly complete.[2]

1 Putnam, Vol. I, p. 130
2 Putnam, Vol. I, p. 270; Vol. II, pp. 360-70

1628--Dr. Richard Smith, under the title of Bishop of Chalcedon, had been appointed Apostolic Vicar for England. Throughout the 17th century, fierce contests arose concerning the relation of the regular orders to the bishops, and Dr. Richard Smith took active part in one controversy with certain Jesuit writers in maintaining the authority of the bishops. As a result of the antagonisms raised by his writings, he was obliged in 1628 to leave England and until his death in 1655 he remained in France , where many distinguished French writers took part in the controversy. In 1633 the Index Congregation condemned all the controversial writings that had come into print concerning the issues between the Bishop of Chalcedon and the English regulars. As the continuance of the controversy was considered undesirable, a general prohibition under the penalty of excommunication was made of any further writing in regard to the matter. This prohibition did not prevent publication of a number of further treatises on the subject and was itself placed in the Index and since Benedict XIV, has remained among the general decrees.[1]
1630--Alexander Leighton, a Scotsman, father of Archbishop Leighton, published a scurrilous book concerning prelacy, in which the opinions expressed were extreme. It called Bishops anti-Christian and Satanical, the Queen a daughter of Heth, and the King corrupted by prelacy to the misfortune of his people, and it approved the murder of Buckingham. In 1630 the author was examined in the Star Chamber. The writings were pronounced

[1] Putnam, Vol. II, pp. 46-47

seditious and scandalous and a heavy fine was imposed. Leighton was publicly whipped in the palace yard. He stood in the pillory; an ear was cropped and a nostril split and one cheek was branded S.S. (sower of sedition). Having spent a week in the Fleet Prison, Leighton was brought out and again whipped, again mutiliated, and then imprisoned for eleven years. In 1641 the sentence was reversed and the punishment declared altogether illegal in England.[1]

1631--When the Scriptures were no longer interdicted in England, the printers themselves began at once to supply reasons why certain of their editions should be suppressed. In the year 1631, in a Bible and a Prayer-book printed in London by R. Barker, the word "not" was omitted in the 7th commandment. This discovery led to a further examination of the edition and it was stated by Laud that no less than one thousand mistakes were found in this and in another edition issued by the same printers. The impressions of both books were destroyed, and the edition so vigorously suppressed that very few copies have survived. The printers were condemned by the High Commission to be fined two thousand pounds, a condemnation which naturally ruined their business. This edition was named "The Wicked Bible" by Henry Stevens.[2]

1633--One of the most prolific writers of this period was William Prynne, who had published nearly two hundred books

1 Vickers, p. 374
2 Putnam, Vol. II, pp. 29-30-31; Haight, pp. 5-6

chiefly on devotional subjects. Prynne's book "Histriomastix, The Player's Scourge or Actor's Tragedie", judged by some as having been written with purity of conviction and moral earnestness, was brought to the attention of the King and Queen by Archbishop Laud. In it Prynne violently denounced all theatrical plays including those at Court, where they were frequently given. And he was therefore accused of a supposed attack on the Queen, who was not only fond of the theatre, but frequently took part in theatricals. To publish such a book at that time was dangerous, as the court was fond of dramatic performances and women actors were severely censured by Prynne. In consequence, the Star Chamber decreed that he be fined, imprisoned, branded and have his ears cut off. The punishment was dreadful. This book was the first to have the distinction of being burned in England by the common hangman. Later, when Laud was on trial for alleged offenses, and was sentenced to death, Prynne, ironically enough, was one of the chief prosecutors. In addition to the public burning of the book by the hangman, Prynne was disbarred, and forced to stand in the pillory in two places in Westminster and Cheapside with both his ears cut off, and a paper on his head declaring how foul an offense it is to perpetrate an infamous libel against the State and government. And finally he was forced to pay a five thousand pound fine to the King and then serve life imprisonment. Bucknor, the licenser of the book, was fined fifty pounds, and Sparkes, five hundred pounds for printing it, and

forced to stand in the pillory as well.[1]

1635--In 1635 Prynne abridged a book that he had first published at Lydon eleven years before. It was entitled "Flagellum Pontificis Episcoporum Latinorum". He was summoned before the court of High Commission on thirty-seven different articles and condemned to a fine of one thousand pounds, to be excommunicated, to be expelled from the bar; his book was ordered to be burned and he was required further to pay the costs and to remain in prison until he should retract. That period, he declared, would be "til Domesday in the afternoone".[2]

1637--Prynne was again in trouble for writing and publishing seditious, schismatical and libelous books against the hierarchy of the church. In this year he published his "Litany of John Bastwicke". The book was printed in Holland, but Archbishop Laud heard of its being imported, seized the distributor, and the second cargo of books was burned by the hand of the common hangman. Bastwicke, with Burton, was said to have shared the authorship with Prynne of the "Flagellum" referred to above. The Lords in council next considered two books of Dr. Burton, "An Apology for an Appeal to the King's Most Excellent Majesty" and "The Divine Tragedy, recording God's most fearful judgement against Sabbath breakers", as well as two books by Bastwicke entitled "The Apologeticus" and "The Litany and the News from Ipswich". They were both sentenced by Lord Cottington to lose their ears

[1] Putnam, Vol. II, p. 262; Vickers, pp. 375-6; Haight, pp.22-3

[2] Vickers, p. 376; Putnam, Vol. II, p. 262

in the palace yard in Westminister, to be fined five thousand pounds and imprisoned for life in three distant places of the kingdom. Prynne was also branded on the cheek with the letters "S.L." as a "seditious libeler". To this sedition all the Lords agreed and so the Lord Keeper concluded the censure.[1]

1637--One of the many writings of Robert Fludd appears in the Index. Notwithstanding the many restrictions, printing presses multiplied in number, unlicensed books poured forth, courageous printers risked mutilation and death. The people, hungry for knowledge, impatient of restraint, overrode all efforts on the part of the crown to fetter the press. The strict edict of 1637 of the Star Chamber was of no avail.[2] Putnam says the Star Chamber Edict of 1637 in connection with the regulation of literature is paralleled in the severity of its censorship only with a similar procedure under Napoleon. It was prohibited to import or make sale of any books the influence of which was opposed to sound faith or to the authority of the Church or to the authority of government, or to any of the rulers or to the interests of the community or in which these should be libelled or attacked against any corporation or any individual person. The prescribed penalties included fines, imprisonment and bodily punishment, the decision to be made under the authority of the Chamber. The printing of any book which had not secured the approval of the Chamber was

[1] Vickers, pp. 376-7
[2] Ernst and Lindey, p. 213

forbidden under heavy penalties. Books in the department, for instance, of jurisprudence were approved by the Chief Justice or by some authority appointed by him. Books on History and State-Craft had to be approved by the Secretary of State, those on Morals by the Lord Marshal, works on Theology, Philosophy, Natural Science, Poetry and General Literature by the Archbishop of Canterbury or the Bishop of London or by the Chancellor of one of the two Universities. Licenses were to be issued for the twenty master printers outside of those directly appointed by the Crown and those allotted to the Universities. No printer was to operate more than two presses or to have more than two apprentices. Should anybody undertake to operate a press without securing a license from the Chamber, he was liable to be placed in the stocks, to be flogged through the city and after judgment be given further penalties.

1638--Under a judgment of the Star Chamber, Alexander Leighton was condemned in connection with a book entitled "An appeal to the Parliament, or Sion's plea against the Prelacie". He was sentenced to a fine of ten thousand pounds, to degradation from the Ministry, and to be publicly whipped in the Palace Yard; he was made to stand two hours in the pillory, one ear was cut off, a nostril split open and one of his cheeks branded with the letters "S.S." (sower of sedition). He was then left in prison for three years, but in 1641 had the satisfaction of having his sentence reversed by the House of Commons. His book had declared the institution of Episcopacy to be

anti-Christian and Satanical, and it accused the King of having been corrupted by the bishops to the undoing of himself and his people.[1]

1640--Two books were burned by the common hangman under orders from the House of Lords. They were "Altare Christianum" and "Sunday no Sabbath". The burning took place at London, Oxford and Cambridge. Coppe's "Fiery Flying Roll", Clarkson's "Single Lie", Colonel John Downe's "The Accuser's Shame" were handed over to the hangman.[2]

1642--Parliament condemned and ordered burned by the hangman some five publications written by Royalists. In each succeeding year similar action was taken with publications (mainly pamphlets) written in opposition to the control of parliament.[3]

Sir Thomas Browne's famous "Religio Medici," written as a private exercise for himself, was printed without the knowledge of the author and in 1642 banned.[4]

1644--The Long Parliament enacted certain regulations for the control of printing. It provided that no books, pamphlets or papers should be henceforth printed unless the same had been approved and licensed by censors that should be thereto appointed. John Milton had been a persistent opponent of the policies of censorship and of licensing, and one result of the enactment was the publication of his famous "Areopagitica", an oration in the form of a pamphlet which presented with fierce

1 Putnam, Vol. II, p. 261
2 Vickers, p. 377
3 Putnam, Vol. II, p. 263
4 Haight, p. 23

eloquence a protest against the whole theory of the exercise by government licensers of a supervision and control of literature, or the delegation of such control to a commercial company (The Stationers' Company), which was the creation of government.[1]

Milton's divorce pamphlets had been unlicensed and had brought about action by the Stationers' Company at the House of Commons. It was this which prompted the famed and eloquent plea, this Areopagitica, for freedom of the pen. It was condemned by Cromwell and the Parliament of Protestant England for such sentences as these:

> "For bookes are not absolutely dead things, but doe contain a potencie of life in them to be as active as that soule whose progeny they are; nay, they do preserve as in a viall the purest efficacie and extraction of that living intellect, that bred them. I know they are as lively, and as vigorously productive, as those fabulous Dragon's teeth; and being sown up and down, may chance to spring up armed men. And yet on the other hand unless warinesse be used, as good almost kill a man as kill a good book; who kills a man kills a reasonable creature, God's Image, but he....who distroys a good Booke, kills reason itselfe, kills the Image of God as it were in the eye."[2]

We have already seen how King James' famous "Book of Sports", published in 1618, had given great offense to the godly Puritans. The work was originally issued on the advice of Morton, the Bishop of Chester. It was occasioned by the dull visit of King James to Lancashire. Since the people did not make sufficient holiday on Sunday to please the royal taste,

1 Putnam, Vol. II, pp. 368-9
2 Haight, p. 24

they were enjoined to practice dancing, archery, leaping, vaulting, Whitsun-ales, Morris dances and others. The baiting of animals, being at all times prohibited to the meanest sort of people, and playing at bowls were also forbidden. Later, recreations were forbidden until after evening prayer and those not godly enough to attend prayers, either morning or evening, were excommunicated from the baitings, and incapable of the royal indulgence. This foolish production was ordered to be read in all churches throughout England. The lengthened face and rigid features of the Puritans relaxed at the consignment of the "Book of Sports" to the flames. Chief Justice Richardson had published an order forbidding the observance of village feasts and wakes on Sundays. The King and the clergy resented this interference with ecclesiastical authority in the "Book of Sports". The Chief Justice was summoned before the Council and received such a rattle that, as he declared, "he had almost been choked by a pair of long sleeves." Finally, when Puritan influence became supreme in 1644, both Houses adopted a resolution ordering the book to be burned by the justices of peace in Cheapside and at the Exchange. The sheriffs of London and Middlesex were gravely required to see the order carried into effect. All persons possessing copies were ordered to surrender them and all that could be seized were destroyed.[1]

1645--The Latin translation of Brown's "Religio Medici" was

[1] Vickers, pp. 377-378

placed on the Roman Index in this year although Brown professed absolutely to be free from heretical opinions. He insisted upon his rights to be guided by his own reasons when no specific guidance was proffered by the Church or by Scripture.[1] 1645 also marks the publication and the public burning in four places under the order of Parliament of the first theological works dealt with by Parliament among which was a treatise by John Archer, entitled "Comfort for Believers about their Sinnes and Troubles."[2]

While Cromwell was in power, we find that one of Milton's nephews wrote "A Satire against Hypocrites" and "A Miscellany of Choice Drolleries", because of which he received a sharp reprimand from the Protectors' Council.[3]

At least two hundred books came upon the condemnation list in the period between the years 1637-81. Among those works condemned and prohibited by Cromwell was the "Areopagitica" of Milton, published in 1644. In 1646, there was condemned the book by John Biddle known as the father of modern Unitarianism, which had the title, "Twelve Arguments from Scripture in regard to the Divinity of the Holy Ghost". The author was imprisoned, and the copies of the book burned. The censor of the press under the last two Stuarts was Roger L'Estrange. The penalties enforced at the time he assumed the office providing for the destruction of books, the im-

1 Haight, p. 23
2 Putnam, Vol. II, p. 263
3 Markun, p. 104

prisonment and in certain cases, death of the authors and printers were, in his judgment, not sufficiently severe. He beseeched Parliament to give him authority to add to these penalties stocks, public whippings, the cutting off of the hand, the cutting off of the tongue, etc.[1]

1650--A monograph by Lawrence Clarkson, entitled "Single Eye, All Light, No Darkness", was condemned to be burned by the hangman, and Clarkson having been imprisoned for a month was sentenced to banishment for life. This reveals that the theory of Parliament in regard to the right and duty of the government to prevent the circulation of pernicious literature (that is to say, literature the opinions of which were not in accord with those of existing authorities) differed in no way from that of the supporters of royalty. A similar series of condemnations with burning of books, and fining of the authors together with an occasional exposure in a pillory continued through the Restoration.[2]

1651--Pointing out the fashion in high social circles during the Restoration period of religious agnosticism, Markun tells us that even churchmen were infected, and some of them expressed the opinion that skepticism was less to be feared than lack of conformity in worship. Nevertheless, it remained somewhat dangerous to express in public, doubts regarding the truth of Christianity. In 1651 the bishops refused to allow Hobbes' "Leviathan" to be reprinted, and the price of second-

1 Putnam, Vol. II, pp. 262-3
2 Putnam, Vol. II, p. 263

hand copies took an upward leap. Although Hobbes' religious views were pretty widely known, he used discretion in his writings. His rationalism did not keep him from bolstering up his arguments with spiritual texts, and "Leviathan" does not exhibit any opposition to revealed religion.[1]

1652--It might be noticed that a more serious matter for the authors than the burning of books was that of fines. Joseph Primatt, for instance, was fined five thousand pounds for the publication of a petition to Parliament and Liburne was, in the same year, fined seven thousand pounds.[2]

1655--This marks the promotion of the Puritan Major-General to the position really of Police Chief to the whole country. They made serious efforts to enforce the great mass of prohibitory laws which had been enacted in the two previous decades. In addition to having actors whipped as gamblers, made to pay fines of double their winnings, they caused jest books to be destroyed.[3]

1660--Milton's "Pro Populo Anglicano Defensio" was publicly burned in England, although in France it had been burned for political reasons eight years before. Also in 1660 "Eikonoklastes," first published in 1649, was burned by the common hangman at the time of the Restoration for attacking the hypocrisy of the religion of Charles II and for arguing against

1 Markun, p. 138
2 Putnam, Vol. II, p. 263
3 Markun, p. 117

the divine right of kings. Milton escaped the scaffold only through the influence of friends.[1] Along with these two books by Milton, there was a third book suppressed in the same connection. It was by John Goodwin entitled "Ubristodikoei" or "The Obstructor of Justice or a defense of the honorable sentence passed upon the late King by the High Court of Justice, in 1649."

Many copies of these three books were brought to the sheriff and then burned at the next assize day. Although Milton's biographers (according to Vickers) speak of the lenience of the king to the poet, the royal proclamation discovered in 1797 proves much more severe in its terms than was supposed. In quoting this proclamation, Vickers shows it dated 1672; I suspect this is a misprint, as most authorities, and I base my opinion chiefly on the account by William Vaughn Moody, [2] point out that the action taken against Milton occurred almost immediately following the return of Charles II to the throne. Nobody knew, says Moody, [3] how inclusive the royal clemency would prove to be, and Milton was too marked a man to abide the event with safety. We get a glimpse of him in the shape of a conveyant of bond for four hundred pounds to Cyriack Skinner, dated the day before the public proclamation of Charles in London. With the ready money thus furnished, he went into hiding, his nephew informs us, at a friend's house in Bartholomew Close. The House of Commons issued an order

[1] Haight, pp. 24-5
[2] Moody, W. F.-Life of Milton-introd. to Milton's Complete Poems-pp. IX - XXXIV

[3] Ibid.-p. XXVI

for his arrest, and it was two months later that his "Eikonoklastes in Defense of the English People", referred to shortly above, was ordered burnt by royal proclamation. Strangely enough, in the final Bull of Indemnity his name was not mentioned. It is supposed that the loyal devotion of such friends as Andrew Marvell and the poet Davenant aided him to be let off scot free from the vengeance which overtook so many men essentially less implicated than Milton had been. At any rate it was Marvell,who obtained for Milton an abatement of the excessive fee demanded of him by an officious sergeant who had carried out the nullified order of arrest. The passage of "The Act of Oblivion" made it possible for Milton to emerge from hiding. Milton was extremely lucky to have escaped the dangers of mob violence. On the night before the anniversary of Charles I's death, the disinterred corpses of Cromwell, Ireton and Bradshaw were brought for safe-keeping to the Red Lion Inn but a short distance from Milton's new lodgings in Holborn, and it was up Holborn, that the crazy mob followed the carts next day to the ghastly gibbeting at Tyburn.[1]

1661--George Wither, who twice before has come to our attention, was imprisoned once more for a poem inoffensive in itself, but suspicious for the truculent neatness with which it was penned.[2]

[1] Moody, pp. 26-27 (introduction)
[2] Buchan, pp. 196-8

1662--An Act of Uniformity forbade all persons except those who had been ordained by Anglican bishops, to exercise the function of ministers of religion. It provided also that no book or method of prayer should be used save the official prayer book of the Church of England. The Bible, for example, became the book of books, although a certain amount of original interpretation was allowed.[1]

Buchan blames the Licensing Act passed in 1662 for the lack during the 17th century of any serious attempt at journalism except perhaps the London Gazette, which was founded in 1666 under the immediate control of the Under-Secretary of State with the office of gazetteer as a ministerial appointment. The Act expired in 1679.[2]

The Licensing Act of 1662, which asserted in the plainest terms the King's plenary prerogative in the matter of printing, was virtually a revival of the Star Chamber decree of 1637 with all its restrictive clauses including the limitation of the number of master printers to twenty, besides the two University presses, but allowing an additional press at York. The secret of the effectiveness of the new Act lay in the steps taken to secure its successful administration.[3] It might be well at this point to review a few of the efforts of those in power to secure control over the printing press.

1 Markun, p. 136
2 Buchan, p. 311
3 Cambridge History of English Literature, Vol. 11, pp. 345-6

The middle of the 17th century, says the Cambridge History, is a drab tract in the history of English book production. The accession of Charles I in 1625 marked an increased effort to get control of the press. This renewed activity eventually culminated in 1637 in the Star Chamber decree, re-enacting the celebrated Ordinance of 1586 with additional and more drastic provisions.[1] The effective enforcement of this formidable measure was probably hindered by the many troubles gathering around the government itself. In 1641, when the Star Chamber was abolished, the decree ceased to carry any authority, and for the moment printers were freed from all control. As a result of this, the press, unhampered by restrictions, produced a flood of political pamphlets of every description--persuasive, polemical, abusive and scurrilous--of every shade of opinion, royalist against Parliament, Puritan versus churchman, challengers and answers, newsbooks and gazettes. Together with sermons and lectures, these were printed and vended in such members as to make all other books practically unsaleable. According to Milton, printers soon discovered that liberty of the press was no more to the taste of the Long Parliament than it had been to the monarchy. Finally Parliament, temporarily distracted by more pressing difficulties, was able to turn its attention to regulating the press in accordance with its own views. In 1643 a brief business-like document "for the regulating of printing" aimed at the establishment of a rigorous censorship. It closely

[1] Cambridge History of English Literature, Vol. XI, pp. 344 ff.

resembled in its provisions the defunct decree of 1637, with the important difference that the number of printers was not limited. This reactionary measure inspired Milton's "Areopagitica" but Parliament found itself unable, even for the sake of liberty, to lay aside its strong weapon of self-defense. There is some doubt as to how effective the censorship really was. Fundamentally its aim was to suppress publications hostile to the government and books which did not bear upon politics or religion were probably but little regarded. However, the newspaper press was subjected to a rigorous system of licensing. Under Cromwell, the censorship re-inforced by a further Act in 1649, was more efficiently exercised; but after Cromwell's death and the accompanying unrest, censorship was once more relaxed. This brings us to the Restoration, and also the final and most autocratic attempt at State control of the press.

1663--The appointment in 1663 of a surveyor of the imprimery and printing presses, no less a person than Roger L'Estrange, now superseded the Stationers' Company, to which had been formally committed the exercise of police powers. L'Estrange was an ardent royalist possessed of very pronounced and even fantastic views upon the regulation of the press. In submitting a report on the manner in which the Act should be administered, he advised enlargement and stringent enforcement of its provisions. Some of the extensive powers conferred upon him included the control of all printing offices

together with powers of search and further, with certain specified exceptions, the licensing of books to be printed and the exclusive privilege of publishing news. L'Estrange sought to make the censorship a real one. He dealt conscientiously with the books which he himself licensed; that is, conscientiously from his point of view. He did not hesitate to delete or alter passages that did not conform to his political creed. Under his power of search, he made midnight raids on printing houses, and at least one printer, John Twyn, suffered the extreme penalty of the law for printing seditious matter. And yet in spite of this activity, a large proportion of the books of this time were issued without imprimatur, apparently with impunity, and many a publication of a questionable character bears merely the date of publication without any indication of its source. After having been in abeyance for some time, the Act was renewed when James II came to the throne, but at the Revolution, L'Estrange was deprived of his office and with the expiration of the Act in 1694, the attempt of the State to control the output of the press was finally abandoned.[1]

1663--No sufficient cause appears for the prohibition of the "Chronology" of Gerard Mercator in the Roman Index. In 1663 the famous "Atlas" of Mercator was placed on a prohibited list, and this prohibition was confirmed by Pope Benedict a century and a half later. Putnam thinks that the dedication

[1] Camb. Hist. of Eng. Lit., Vol. 11, p. 346

to Queen Elizabeth of this book and Camden's Monograph of 1584 may have worked to the prejudice of their authors.[1]

1667--A bill condemning blasphemous literature and expressly mentioning Hobbes' "Leviathan" was passed by the House of Commons, but did not become a law. Hobbes was seriously alarmed and a number of his works dealing with controversial topics were not published till after his death in 1679.[2]

1668--Book IX of Francis Bacon's "Advancement of Learning", published in 1605 and dedicated to the King, was placed on the Index at Rome until corrected. All of Bacon's works, incidentally, had been banned by the Inquisition in Spain in 1640 and were again all banned in Spain in 1707.[3]

1676--1732--The Protestant Theologians of England.

Until the time of Benedict XIV the compilers of the indexes gave little or no attention to the English theological writings printed in the vernacular. Certain works were condemned which had been originally issued in Latin or of which French translations had been printed. After 1676, the English writers began to receive attention, although even in these later indexes the selections, as in the case of the writers of Germany and Holland, are curiously incidental and have apparently been made with no consistent principle. Lists of the 17th century include among the more noteworthy titles the following: Reformatio Ecclesiae Anglicanae quibus gradibus inchoata et

1 Putnam, Vol. I, pp. 251-2
2 Buchan, p. 273
3 Haight, p. 23

perfecta sit, London, 1608; thewritings of Bishop Hall, 1656, the works of the scientist, Robert Boyle, the founder of the Boyle Lectures, (1627-91) the Polyglot Bible of Walton, The Synopsis Criticorum of Reginald Pole, The Cantabrigensis Tributa of Thomas James, The Gravissimae Quaestiones de Christ, The Ecclesiarum of James Usher, Bishop of Armagh; certain works of Isaac Casaubon, (1559-1614) who was by birth a Swiss but in connection with his long residence and the place of publication of the greater portion of his books he came to be classed with English scholars; the latest work of Casaubon to be condemned, the title of which has been continued in modern indexes, is the Corona Regia, a panegyric of James I; The Regii sanguinis clamor ad coelum adversus parricidas Anglicanos, first printed in the Hague in 1652 and later in London in 1655; this constituted an answer to Milton's Essays in defense of the English people (Pro Populo Anglicano Defensio); its author was later identified as Pierre du Moulin, a Canon in Canterbury; the History of the Reformation of England by Burnet (1643-1715), and also by the same author, History of His Own Times; somehow or other Burnet's other writings escaped condemnation; Robert Baillie's Operis historici et chronlogici a creatione mundi ad Constantiuum magnum, printed in Amsterdam in 1668; Pearson's Exposition of the Creed; the sermons of Bishop Sherlock and those of Archbishop Tillotson; A Treatise on Christian Perfection by Lucas; Bartley's Apology for the True Christian, printed in the French version in

1702 and prohibited in 1712; in 1678 Andrew Marvell's An Account of the Growth of Popery and Absolute Government in England 1675-76; this was prohibited in its French edition, but the Parliament had shortly after its prohibition offered a reward of fifty pounds for the identification of the author. Williams, Bishop of Chester, finds place in the Index in connection with his Treatise on the Discovery of a New World, in which the author undertakes to prove that the world is inhabited. This had been first printed in 1638. Its condemnation in 1703 had to do with the French edition printed in Rouen in 1655. Selden's De Jure Naturali et gentium together with a number of his later treatises (1640-79) was prohibited in 1714; Crideaux's The Old and the New Testament connected in the History of the Jews in Neighboring Nations printed in 1716, was prohibited in the French edition in 1732. Thus we see that these English theologians, whether writing and publishing in England or on the Continent, were condemned by the Church of Rome.[1]

1678--The first part of Pilgrim's Progress appeared in this year, distinctly a product of its own time, when the Non-Conformists found almost insuperable obstacles in way of their carrying out what they conceived to be their duty to God and when religious indifference seemed to be the great fashionable vice. The allegory in Pilgrim's Progress refers to this situation and it is applicable only in a general way to other

[1] Putnam, Vol. II, pp. 6-8

Christian pietists. It is interesting to note that the Catholics made their own version of the book with Bunyan's disrespectful allusions to the Pope removed.[1]

"Pilgrim's Progress" is an excellent example of an author's use of satire to avoid censorship. The two parts of the work were written during the reign of Charles II appearing in 1678 and in 1684, respectively. Writing of "Pilgrim's Progress" in 1832, Macaulay said that it was impossible to doubt that Bunyan intended to satirize the mode in which State trials were conducted under Charles II. The license given to the witnesses for the prosecution, the shameless partiality and ferocious insolence of the judge, the precipitancy and blind rancor of the jury, were reminders of those odious mummeries which from the Restoration to the Revolution were merely forms preliminary to hanging, drawing, and quartering. Lord Hategood performs the office of counsel for the prisoners as well as Scroggs himself could have performed it. Commenting further, Macaulay said that no person who knew the State trials could be at a loss for parallel cases. Indeed, write what Bunyan would, the baseness and cruelty of the lawyers of those times "sinned up to it still" and even went beyond it. The imaginary trial of Faithful before a jury composed of personified vices was just and merciful when compared with the real trial of Alice Lisle before that tribunal where all the vices sat in the person of Jeffries.[2]

1 Markun, p. 144
2 Macaulay's Essay on Bunyan taken from"Types of the Essays" edited by Heydrick, pp. 205-206

1679-1680--The Licensing Act under which anti-governmental publications were restrained expired, and the following year, 1680, a king's proclamation,probably following a decision of the judges which soon gave the crown as complete powers of suppressing unwelcome books and pamphlets as before, forbade printed matter to be published without license. However, the previous licensing fell into disuse and the limitation of the number of master printers lapsed. The consequences of even a partial unmuzzling of the press were almost immediately seen in a swarm of libels.[1]

1682--Robert Creighton, professor in Cambridge, later Bishop of Bath, had printed in the Hague in 1660 a"Vera Historia of Syropoli." It was a record of the relations between the Greek and the Latin Church including an account of the Council of Florence. This was prohibited by the Roman Index. Generally speaking, the Index in the 17th century contained but few of the polemic writings of the period against the papacy. About this time a translation of "The History of the World" by Dupin and an Italian version of a condensed history published in London were both prohibited by the Church.[2]

1683--John Locke came under the censorship in 1683 in connection with his essay concerning human understanding. His theory of civil, religious, and philosophical liberty was too radical and he escaped to Holland, the asylum of exiles such as Descartes, Erasmus, Grotius, and Spinoza. In search of

1 Camb. Hist. of Eng. Lit., Vol. 8, p. 102, Buchan, p. 311
2 Putnam, Vol. II, p. 122-124

liberty of thought, while in Holland, he hid for some time under the name of Doctor Van der Linden. He was deprived by King Charles II of his studentship at Oxford and this closed the University to him.[1]

1685-1688--We have seen how after the expiration of the Licensing Act in 1679, there was a partial unmuzzling of the press resulting in a swarm of libels. Mr. Justice Jones in that year made a vigorous complaint as follows:

> "There was never any age, I think, more licentious than this in aspersing governors, scattering of libels and scandalous speeches against those that are in authority."

Although the Licensing Act was renewed in 1685, it was apparently without much effect, for since its expiration in 1679, the press had made leaps and bounds in liberty. The messenger of the press, we are told, could have his eyes"dazzled," that is, could be bribed not to inform the higher authorities of a seditious publication, and it was easy to disperse copies. That's when the Act expired for good and all in 1695. Little real change was made in the divulgation of the scandalous tracts with which we are concerned.[2]

It has been said of the Stuarts in exile that they learned nothing and forgot nothing. Book burning, we have found, was resumed at the Restoration under Charles II. Indeed James, his brother, had no sooner ascended the throne of England than he made his reign notorious by an attack upon the liberty of

1 Haight, pp. 27-28
2 Camb. Hist. of Eng. Lit, Vol. 8, pp. 102-3, Buchan, p. 311

the press. In 1685, within three months after his accession, he issued an order to the Stationers' Company by Sir Robert L'Estrange, the censor of the press. In this document, after alluding to what he was pleased to denounce as the scandalous and intolerable licentiousness of the press, he declared the control of it to be a prerogative indispensable to the sovereignty of the crown and in the exercise of that prerogative he issued the following order:

1. That all books of and concerning the common laws of the realm are to be licensed by the Lord Chancellor, the Lord Keeper-of-the-great-seal of England, the Lord's Chief Justices, Chief Baron or one or more of them or by their, or one or more of their appointments.

2. That all books of History and books concerning the state of the realm or any affairs of State or history whatsoever are to be licensed by his Majesty's principal secretaries of State for the time being, or one of them or by their, or one of their appointments.

3. That all books concerning heraldry, titles of honor and arms, or otherwise concerning the office of Earl Marshal are to be licensed by the Earl Marshal for the time being or by one of his appointments.

4. That all books of divinity, physics, philosophy, arts and sciences be licensed and allowed by the Archbishop of Canterbury, the Bishop of London for the time being or by one or more of their appointments or by either of the Chancellors or vice-chancellors of the two Universities for the time being. The said Chancellors and vice-chancellors, however, only having the power to license such books as are to be imprinted or re-printed within the limits of the said Universities, respectively, but not in London or elsewhere.

5. That with respect to such miscellaneous books and papers as shall not properly fall under any of the above, they be subjected to the censure of the survey or of the press for the time being or such of his deputies as shall by him the said surveyor be, thereunto, authorized and appointed.

The Stationers' Company was commanded to see this order strictly carried into effect and to take special care that no book should be entered or published at their hall without such license being first obtained.[1]

Richard Baxter, who was charged in 1685 with publishing seditious matter, was unfortunate enough to be brought before Chief Justice Jeffries. The Puritan minister, who enjoyed the veneration of a large body of Englishmen, was then in his seventieth year. He was convicted by a specially selected jury. Jeffries abused him as though he had been a truant boy, then sentenced him to imprisonment and the payment of a heavy fine. It was rumored at the time that Jeffries would have liked to have had him flogged through the streets, but was dissuaded from such a sentence by his associates on the bench. It is clearly apparent that the enforcement of censorship in the hands of such men as Jeffries could become more stringent than under different conditions. The people of England were horrified by some of Jeffries' actions.[2]

1686--A printer named Trogan, who came under the disapproval of the censor, was executed in 1686 with various revolting details.[3]

1 Vickers, pp. 381-3
2 Markun, p. 149
3 Putnam, Vol. II, p. 263

1683--By order of King James II, Claude's account of the massacre of St. Bartholomew was burned at the Exchange to gratify the French ambassador. We shall see before concluding that this was not the only occasion when a foreign ambassador was catered to by the censor.

In 1688, Baxter's "Holy Commonwealth" was also burned at Oxford.[1]

1690--Censorial severity recurred at Oxford two years later, when Dr. Bury, the rector of Exeter College, published a work entitled "An Historical Evidence of the Naked Gospel", which was supposedly advocating Socinianism. A meeting was held by the principals of houses, and a committee nominated to examine and report on the work. Sufficient proof was discovered of statements not sustained in the doctrine of the Church of England. The book was burned in the school quadrangle, and the author temporarily suspended from the rectorship by Trelawney, Bishop of Exeter.[2]

1693--Charles Blount's book entitled "King William and Queen Mary Conquerors" was hastily condemned by Parliamentary decree, for burning, and also Bishop Burnet's address to his clergy. The hangman was sent another freely circulated pamphlet by Blount, entitled "Reasons for liberty of unlicensed printing.". Burnet's address was ordered destroyed by a majority of 7 in a house of 317 members. What especially offended the parliamentary leaders was the ascription of William's title to the right of conquest. Those Whigs who had invited William to accept the throne resented the implication that he had conquered them.[3]

1 Vickers, p. 381
2 Ibid, p. 383; Putnam II, p. 264
3 Ibid, p.p. 383-384

A supposed libel against the Earl of Clarendon prompted the University Court to pronounce condemnation, in 1693, of the second volume of Anthony à Wood's "Athenae Oxoniensis", and it was burned in the theatre yard by the University apparitor, who officiated at the ceremony.[1] The reception the book received was perhaps anticipated, for it had been issued without the author's name and certain prefatory precautions sought to protect the author from reckless charges, as he found to his cost. This book, says the Cambridge History, is still of the highest importance because of its wealth of information concerning English authors, and in its particular sphere the only work, in the course of two centuries, worthy of being placed beside it is "The Dictionary of National Biography".[2] Although Wood made extensive preparations for a third volume of the same work to be printed in Holland in order to escape interference from censors or friends, he did not live long enough to carry out his scheme. On his death-bed, he bequeathed his two manuscript volumes of "The Continuation" to Thomas Tanner, afterwards Bishop of St. Asaph, "for his sole use, without any restrictions". Tanner, either because he was too occupied with his own personal schemes or because he dared not risk publishing so compromising a work, did nothing about it.[3]

1694--The State Papers of John Milton, which had been published posthumously and surreptitiously in 1676, appeared in 1694 on the Roman Index.[4]

1695--We have already seen how the censorship laws endured until 1695, not being immediately repealed, as might be expected, as a result of the

1 Vickers, p. 384
2 Cambridge History of English Literature, Vol. IX, p.p. 388-9
3 Vickers, p. 391
4 Haight, p. 25

Revolution of 1688. When Parliament failed to appoint a censor in 1695, what regulations were established maintained for the Crown the full authority to control the operations of the press, but the penalties were made less severe.[1] Virtually it might be said that the attempt of the State to control the output of the press was finally abandoned.[2]

1696--One of the many indications of a growing freedom of thought and discussion was Parliament's voting in 1696 against the censorship of the press.[3]

Among the books condemned under the new legislation were "Thoughts concerning Human Souls" by William Coward and "Christianity not Mysterious" by John Toland.[4] The first half of the eighteenth century was the period of deistical controversy in English theology. With the appearance of Toland's work, the controversy entered on a new phase. Within the Church, the Roman controversy had died down and the Protestant faith was firmly established; the time was ripe for the content and basis of Protestant theology, and the great Trinitarian controversy followed: Toland was born near Londonderry in Ireland (1670) and died at Putney near London in 1722. His education was varied: from school in Ireland, he went to the University of Glasgow, took his degree at Edinburgh, afterwards studied at Leyden, and spent some time at Oxford, where in 1696 he wrote the work in question. He was the object of bitter attack by those controversialists opposed to him and they called in the aid of the civil power. To escape arrest by the Irish Parliament after the publication of his first work, he had to leave Ireland,

1 Putnam II, p. 264; Litchfield, Mary E. "Journalism & Party Literature," p. xx
2 Cambridge History English Literature, vol. XI, p. 346
3 Markun, p. 154
4 Putnam II, p. 264

and in England he was for a time in danger of prosecution. A theologian who could meet his opponents on their own ground (this interest dominated his literary and political careers), brought up a Roman Catholic, at the age of sixteen he became zealous against popery and then connected with the Protestant dissenters. When "Christianity not mysterious" was published, he considered himself a member of the Church of England, his sympathies tying in with the Broad (or Low) Church party. When his book was burned at the door of the Irish house of Parliament, he may have felt his chuchmanship insecure. At any rate, his later works exhibit its gradual disappearance.[1]

1698--Pope Innocent XII issued a general prohibition in regard to the printing or the distribution of the whole group of writings concerning the controversies of the orders.[2]

In the same year, a Scotchman named Aikenhead, who was then a student of eighteen years of age, was hanged at Edinburgh, not because of heresies brought into print, but simply because in some kind of wild talk he had referred to Christianity as a delusion. I cite this instance although it antedated the union of Scotland and England by some years, to show along what parallel lines the censorship in Scotland, had been expressing itself. Under one of the statutes of Scotland, it was a capital crime to revile or to curse the Supreme Being or any person of the Trinity. Although the words of the young Scot were not strictly within the definition of the Statute, the Statute was, under the direction of James Stuart, Lord Advocate of Scotland, used to bring the boy to execution.[3]

1 Cambridge History English Literature, Vol. IX, pp. 322-25
2 Putnam II, p. 36
3 Putnam II, p. 264

Among the books condemned in this period shortly after the official passing of the censorship were Samuel Clark's "The Doctrine of the Trinity" and "The Miracle of Our Saviour" by Thomas Woolston, who was fined twenty-five pounds and was then imprisoned until he could raise two thousand pounds. He died after four years' imprisonment. 1721--Both the English and Irish Parliaments burned a treatise by John Asgill on the "Covenant of Eternal Life".[1]

The Latin version of John Locke's "Essay Concerning Human Understanding" was prohibited at Oxford (the French translation having been placed the year before on the Roman Index where it remains today) with the express ruling "That no tutors were to read with their students this essential investigation into the basis of knowledge".[2] 1702--Defoe's pamphlet, "Shortest Way with the Dissenters," pretended to express the views of the High-Church party, urging the extirpation of all dissenters. Because the authorities did not like Defoe's irony, they had the pamphlet burned by the hangman (under order of Parliament). He was prosecuted for libel on the Church, and sentenced to stand three days in the pillory, pay a ruinous fine, and serve a long imprisonment.[3] This made a popular hero out of Defoe, in whose honor the pillory was covered with flowers and to whom the crowd drank his health, at the same time buying many copies of his "Hymn to the Pillory". Before he was out of prison, Defoe had started The Review, which was of the greatest importance in the history of journalism, as a pioneer in the publication of news and in the free expression of opinion. During the eighteenth

1 Putnam, II, p. 265.
2 Haight, p. 28
3 Haight, p. 28; Putnam, II, p. 265; Vickers, p. 384; Nielson & Thorndike p. 218 "Age of Pope".

century the press of England was distinguished from that of Continental Europe by its free and full discussion of political and social questions.[1]

Also in 1702, the Scottish Parliament adopted the same fashion of book-burning. One of the most daring and unfortunate writers of that time was Dr. James Drake, a clever partisan Tory, who was constantly pursued and generally eluded his pursuers. Once he was saved by the word "nor" in an indictment instead of the word "not". He forwarded his manuscripts to the printer by means of a masked lady, who kept her identity from being discovered. Dr. Drake wrote a book entitled "Historia Angloscotica, or an impartial history of all that happened between the Kings and Kingdoms of England and Scotland from William the Conqueror to Queen Elizabeth." Since the book was declared to contain many statements injurious to the Scottish nation, crown, and dignity, it was burned by the hangman at Mercat Cross in Edinburgh. Another of Drake's works, "Memorials of the Church of England," was censured from the Throne, and, by an order of the House of Commons, burned at the Royal Exchange. Eventually, Dr. Drake died a raving maniac.[2]

1703--The first work of Thomas Hobbes to receive attention in the censorship at Rome was his "Leviathan", prohibited in 1703, about forty years after its publication.[3]

1705--Scottish sensitiveness was grievously afflicted by a work entitled "The Superiority and Direct Nomination of the Imperial Crown of England over the Crown and Kingdom of Scotland". The Scots Parliament consigned it to the hangman. Another sensation was caused the same year by a pamphlet

1 Nielson & Thorndike, p. 218, Chap. X, "Age of Pope"
2 Vickers, pp. 384-5.
3 Putnam, II, p. 129.

called "The Memorial of the Church of England humbly offered to the consideration of all true lovers of our Church and Communion", by an author whose name was not published. This pamphlet was alluded to in the royal speech and both houses requested the queen to punish the author; the Grand Jury of Middlesex condemned the book to be burned before the court and again before the Royal Exchange, and in Palace Yard. A reward of 1,000 pounds was offered for the author's apprehension. All that could be elicited was that two women, one of whom was masked, had brought to David Edwards (the printer) the manuscripts, to print 350 copies and these were given to four persons sent to receive them. Every available copy was destroyed. The pamphlet was later reprinted in Dublin and audaciously dedicated to the Lord Lieutenant but this edition was totally destroyed.[1]

1707--The essays of Francis Bacon that had hitherto received consideration from the compilers of the Roman Index were the "De Sapientia Veterum" and the "De Dignitate et augmentis scientiarum", but the Spanish Index of 1707 condemned all of Bacon's works (Opera Omnia). Incidentally, Bacon's name, usually referred to as two individuals, appeared first correctly in the Spanish Index of 1790.[2]

1708--In Ireland, the work of Jonathan Swift came under the censor's hammer. The same year as its publication (1708) Swift's "The Predictions for the Ensuing Year by Isaac Bickerstaff" was burned as "such uncanny prescience could not otherwise than signify collusion with the evil one himself".[3]

1 Vickers, p. 385.
2 Putnam, vol. II, p. 129.
3 Haight, pp. 23-29.

1709--Thirty years after his death, Hobbes received the distinction of condemnation in the Roman Index for his complete works, of which in the earlier lists only single works had appeared.[1]

1710--The Grand Jury of Middlesex made a presentment terming as a public nuisance the essay by Matthew Tyndale, "The Rights of the Christian Church". Tyndale maintained such an attitude would further rather than restrict the wider circulation of one of the best books published in that age among many people who would not otherwise have heard of it. The final decision was burning in 1710 by the hangman.[2]

The next notable censorship case typified much of the turbulent asperity exceeding all decency and characterizing party politics both in Church and State. The social and religious agitation, which had not wholly subsided since the Revolution, greatly increased the existing bitterness, and one of the clergy aided the increase considerably. Among the college dons of Oxford, Dr. H. Sacheverell was one of the most conspicuous, 1705-09. He was a fellow and tutor of Magdalen College and a friend and colleague of Addison. He became preacher of St. Saviour's, Southwark. In August, 1709, he preached a sermon at Derby, and in November, another at St. Paul's on "Perils among false brethren". These sermons attracted attention, creating strong contention. They covered the existing political situation, the late Revolution, the succession, and other similar topics, irritating both the High Church and Tories. A political divine, says Vickers, is clearly

1 Putnam II, pp. 128-9.
2 Putnam II, p. 265.

a candidate for recognition as an aspirant to official station and his aim is to please the powers that be. In Dr. Sacheverell's case, there were, unfortunately for him, two such powers, and neither of them was then strong enough either to reward or to crush him. He was tried for "scandalous and malicious libels" against the Queen and the government, and the Protestant succession. In 1710 both Houses assembled in Westminster Hall for the proceedings. Sacheverell was condemned to be suspended for three years, but the small majority of six was a virtual triumph. His sermons were burned along with a decree of the University of Oxford, passed in 1683, maintaining the absolute authority of princes, a decree Sacheverell had cited to justify his positions. The politicians were irked chiefly by his total denial of the rights of a nation at large to control its own political destinies, irrespective of the decree of a university.[1]

1711--Among the Tory High-churchmen of Queen Anne's reign, the one great literary genius was Jonathan Swift. His Tale of a Tub, which was perhaps intended to satirize religious hypocrisy and superstition, seemed to many contemporaries to be an attack on all branches of Christianity. Because this book offended the Queen, Swift never obtained the bishopric he so ardently desired, and we find Anne following the example of a queen (Elizabeth) of another great literary age in censoring the work of some of its leaders by punishing them (Spenser and Bacon).[2]

1 Vickers, pp. 386-7; Putnam II, p. 265

2 Cambridge History of English Literature, vol IV, p. 320; Markun, p. 169; Greenlaw, p.68

1722--The Commons agreed with the resolution of the Peers to have burned at the Royal Exchange the declaration of the Pretender issued as the declaration of James III.[1]

1723--Bernard de Mandeville had a good word to say (1706) for Vice when all the world was praising the great god Virtue. His book, called "The Fable of the Bees, Private Vices--Public Benefits" aroused considerable scandal and even occasioned a public prosecution. Mandeville held that fraud, luxury and pride contribute to the good of the State if they are "by justice lopped and bound." His paradox was resented. People did not object so much to fraudulent and proud and sensual actions as to the suggestion that there was no clear line vs. vice and virtue.[2] The volume was made the subject of a presentment by the Middlesex Grand Jury and described as "a public nuisance, having a tendency to the subversion of all religion, the undermining of civil government, and the impairment of our duty to the Almighty". No penalty was inflicted, or ordered upon the author, nor was the book itself suppressed.[3]

A prominent physician named Dr. Mead purchased from the Landgrave of Hesse a copy of the "Christianismi Restitutio" of Servetus, reputed to have been owned by Colodon, one of the unhappy man's accusers. Dr. Mead took measures to publish the work in quarto; but before the completion, the sheets were seized by order of Dr. Gibson, the Bishop of London, and burned. A single copy that escaped is now in the library of the London Medical Society. In 1770 a reprint was issued but except for a very few

1 Putnam, II, pp. 265-6.
2 Marxun, p. 134
3 Putnam, Vol. II, p. 264.

copies all were destroyed. Dr. Mead's volume found its way into the collection of the Duc de la Vallière, and when this famous library was sold, it was purchased for the imperial library of France.[1]

1724--We have seen that owing to legislative restrictions which permitted no presses to be set up outside London, except at Oxford, Cambridge, and York, hardly any printing was done in other parts of the country before the end of the 17th century. By 1724, however, presses had been started in 30 other places, although Oxford and Cambridge continued to be the chief provincial centres of book production.[2]

The divines in the Protestant Church were no more favourable than were the Catholic theologians to the Copernican theory of the universe. Lutherans, Calvinists, Anglicans, and Protestant teachers alike placed themselves on record as in opposition to the teachings of Copernicus and of Galileo. The great preacher in London, Dr. South, denounced as irreligious the report of the Royal Society in which the Copernican doctrine had been accepted. As late as 1724, Prof. John Hutchinson of Cambridge, in a treatise entitled the "Principia of Moses," undertook to build up from the text of the Bible a complete physical system of the universe. In this treatise, the Newtonian and Copernican theories were condemned as atheistic.[3]

1726--Swift's "Gulliver's Travels" was denounced in Ireland on all sides as a wicked and obscene satire on courts, political parties, and statesmen.[4]

1 Vickers, pp. 387-8.
2 Cambridge History English Literature, vol. XI, p. 377.
3 Putnam I, p. 315.
4 Haight, pp. 28-9.

1729--Joseph Addison's "Remarks on Several Parts of Italy, etc. in the years 1701, 1702, 1703", was placed on the Roman Index of Pope Benedict XIII.[1] Anywhere along here it might be well to introduce the name of Edmund Curll (1675-1747), the shameless rascal in whom, says the Cambridge History, even the writer of "The Dunciad" found his match for scurrility. In the annals of the book trade, Curll's name stands for all that is false, low, dishonest, and obscene; indeed, his activity in producing books of an indecent character added a new word--Curlicism--to the language. His many misdeeds brought him varied experiences: from the trick which Pope played upon him at the Swan Tavern (Curll had printed in 1726 some of Pope's letters to Cromwell, which he had acquired from a Mrs. Thomas and which brought him before the House of Lords for a breach of privilege),[2] and the tossing he received at the hands of Westminster scholars, up through more than one appearance at the bar of the House of Lords, down to imprisonment, fine and the pillory. But none of these things deterred him from his dauntless but vicious course. Even after he had been fined for printing "The Nun in Her Smock" and had stood in the pillory for publishing "The Memoirs of John Ker of Kersland", he continued to advertise these books on the lists, with a note appended to the latter calling attention to the fact he had suffered fine and corporal punishment on account of it. Curll's activity is a good example of the lack of restraint that prevailed in the early eighteenth century, after the expiry of the licensing laws, and to a great extent, the underworld of letters flourished, writers and booksellers striving with avid

1 Haight, p. 31.
2 Cambridge History English Literature, vol. IX, p. 93.

haste to make the most out of the opportunity of the moment.[1]

1734--Although the full title of Swift's "A Tale of a Tub" pretends it was "written for the universal improvement of mankind", the Roman Index compilers took exception to it, and banned it, charging it with ridicule of papists and dissenters.[2]

1736--Although this item belongs more definitely in a list of works of the drama, it so provoked the authorities that their subsequent action marked a milestone in the history of English censorship; therefore, I bring it in here. It was the play, "Pasquin, a Dramatick Satire", containing direct criticism of the political corruption of the Walpole era; it was a great success, but the Lord Chamberlain refused to license any other plays by this author, who thereafter devoted himself to the practice of law, and wrote novels far more daring than any of his plays.[3]

1737--The Licensing Act of 1737 deprived Fielding of the outlet in the drama, that he had been utilizing for his sly attacks on the political strategy of Sir Robert Walpole and for caricaturing the false heroics and sentimentality of the effeté drama that had succeeded Vanbrugh and Congreve. The Licensing Act limited the theatres to two and submitted all plays to censorship.[4]

1741---Robert Dodsley, perhaps the most attractive figure in the eighteenth century book-trade--poet, playwright and quondam footman, launched in 1741, as one of his many adventures in the hazardous enterprise of .

1 Cambridge History English Literature, vol. XI, p. 318 & pp.362-4
2 Haight, pp. 28-9
3 Haight, p. 32
4 Buchan, p. 341 and p. 374; "More Books"-June-1939, p. 260

of periodical publishing, "The Public Register", which at its twenty-fourth number was killed by a boycott on part of opposition journals, a good example of unofficial but effective censorship.[1]

1743--Defoe's "Political History of the Devil" was listed and is now on the Index.[2]

It is interesting to notice what an almost ironical situation existed in connection with the novelists of the time. They, as in the case of Fielding and others, had been the recipients of the censor's wrath (Fielding as a matter of fact shifting his field of endeavors because of it from one literary outlet to another) and yet they set themselves up as censors themselves; that is, moral censors. Both Fielding and Richardson were devoted to Virtue, although they differed widely regarding the nature of moral excellence. Tom Jones, Fielding's most famous hero, permits his wealthy mistress to help him with money, and does countless things which Richardson's Sir Charles Grandison would consider abominable.

1 Cambridge History English Literature, vol. XI-pp. 357-8
2 Haight, p. 28

1745--Addison's "Spectator Papers," written in collaboration with Steele, was condemned by the Index in a French version of extracts entitled "Le Spectateur, ou le Socrate Moderne."[1] 1750--John Cleland's "Fanny Hill, or the Memoirs of a Woman of Pleasure" is the most important work of genuine pornography that has been published in England. It had an enormous sale and made the publisher wealthy, although the author received only twenty guineas for it. Cleland was summoned before the Privy Council to answer for the licentiousness of his books, but his plea that he had been driven by poverty to write it, was accepted. No action was taken against the publisher.[2] Cleland was born in 1709 and left Westminster school for Consular and East India Services. "Fanny Hill" was his first novel, and such was the mildness of the prevailing attitude towards obscenity that he was given a pension on condition that he did not repeat the offense. His subsequent effort, "Memoirs of a Coxcomb", is an altogether less lurid affair.[3] 1755--The French Translation by Abbé Prevost of Samuel Richardson's "The History of Pamela" was listed on the Index. In England, this volume was abridged, not for moral reasons but for length and given as a reward of virtue to children who excelled in their lessons. Later, we find that Sir Walter Scott feared "Pamela" would rather encourage this

[1] Haight, p. 31

[2] Markun, p. 191

[3] Craig, Alec: "The Banned Books of England," pp. 151-2

spirit of rash enterprise than show vigorous resistance, and Charles Lamb pictured a young lad retreating from the book hastily, with a deep blush.[1]

1756--In this year, "Robinson Crusoe" by Defoe came to the attention of the Roman Indexers through a French edition printed in 1750.[2]

1757--The miscellaneous works of Francis Osborne, published in 1673, appeared in the list of Pope Benedict in 1757. Johnson is quoted as saying of Osborne, "A conceited fellow; were a man to write so now, the boys would throw stones at him."[3]

A book-seller accused of inserting passages, more objectionable than those the author had written, into some copies of the memoirs of "Fanny Hill" was convicted in 1757 and had to stand in the pillory.[4]

1758--Milton's "Paradise Lost", translated into the Italian language by Paolo Rolli, was listed on the Index.[5]

1759--Smollett edited a violent Tory organ, "The Briton," after he had been imprisoned for libel in his Review in 1759.[6]

1760-67--Both Swift and Sterne, while they held offices in the Church, published books which we can easily imagine as causing criminal prosecution if they were published for the first time today. Sterne's "Tristram Shandy" came out volume by volume in the years between 1760 and 1767 while an eager public waited

1 Haight, p. 33

2 Putnam Vol. II, p. 131

3 Putnam Vol. II, pp. 124-5

4 Markun, p. 191

5 Haight, p. 24-5

6 Buchan, p. 346

for the succeeding part. To be sure, a certain amount of moral indignation regarding the book was manifested, but not enough to matter. Sterne became a social lion and this tells us something of the age in which he lived. He used his fame to dispose profitably of a volume of sermons.[1]

Putnam points out that during these years were published in England a number of works by Catholic authors which had to do with the controversies of the time, such as the Oath of Allegiance, the Restitution of the Hierarchy of Bishops, and so on. But no one of these writings is recorded in the Index. The single English work referred to above was published in London, in 1767, under the title "The Catholic Christian's New Universal Manual," being a true spiritual guide for those who ardently aspired to salvation. The book contains the entries "Permissu Superiorum," which did not prevent its prohibition in 1770. On the other hand, the writing of such persons as Charles Dodd, J. Berrington, Alexander Geddes, George Cooper, and Bishop Butler, the teachings of which would hardly meet the approval of the Holy See, escaped condemnation.[2]

1763--The close of the Seven Years' War in 1763 was marked in England by the manifestation of strong democratic public feeling. The tendency toward investigation of public affairs by the people at large was first encouraged and then fostered by the famous publication called "The North Briton," edited

1 Markun, p. 193

2 Putnam, Vol. II, p. 168

by John Wilkes and Charles Churchill. The popular voice had become so potent that this virulent publication was unopposed in its abuse of Lord Bute until its forty-fifth number. England's assistance to Frederic in the Seven Years' War was so contemptible that it resembled an embarrassment rather than an alliance. Frederic did the fighting and gained the ultimate triumph himself. But the pompous vanity of Lord Bute attempted to blind public perception by a few false and high-sounding phrases in the King's speech. His Majesty was made to say that,

> "The success which has attended my negotiations has necessarily and immediately diffused the blessings of peace through every part of Europe."

This vaunting assertion of his own skill and puissance in negotiation, in opposition to the notorious facts, was necessarily the subject of a sharp diatribe in "The North Briton."

> "The infamous fallacy of the whole sentence," said Wilkes, "is apparent to all mankind; for it is known that the King of Prussia did not only approve, but actually dictated, as conqueror, every article of the terms of peace. No advantage of any kind has accrued to the magnanimous prince from our negotiations, but he was basely deserted by the Scottish prime minister of England."

Wilkes was arrested, expelled from the House of Commons, and "The North Briton's" forty-fifth number was burned by the hangman at the Royal Exchange, December 3, 1763.[1]

1765--This next year, the House of Lords condemned a book of the opposite principles in order to hang the other side of the

[1] Vickers, pp. 388-9; Putnam, Vol. II, pp. 265-6

political saddle as a balance. The book, entitled in barbarous Norman French, "Droit le Roy," was a kind of digest of the asserted prerogatives of the crown. It was voted by the peers to be "a false, malicious, and traitorous libel, inconsistent with the principles of the Revolution." It was ordered burned by the hangman. The author, a member of Lincoln's Inn, was probably, says Vickers, in search of preferment in lieu of briefs.[1]

1768--A bookseller, William Bingley, was committed in 1768 to Newgate Prison upon a writ of attachment of contempt.[2]

1768-1771--Although several letter-writers showed Junius' influence in their style before the autumn of 1768, it was not until that time that the political letters of the unknown writer, who later took the pseudonym of Junius, gained the public ear. But we know from his own statement that for two years before that date, he had been busy in furtive, assassinating polemic. By 1768, he became clearly distinguishable from other writers in "The Public Advertiser." He traded in ringing invective, a deadly catalogue of innuendoes, barbed epigrams, a mastery of verbal fencing, with occasionally a fund of political good sense to carry on his libels and terrorize his victims.

A particularly triumphant tone characterizes those of his letters that have to do with the collapse of the ministry of Grafton (his Nemesis). Convinced that the king had no intention of changing his ministerial policy if Grafton resigned, Junius sought to terrorize the king into submitting to a new consolidated Whig administration. So he addressed to the king a fierce indictment against

1 Vickers, p. 389

2 Young and Lawrence, p. 92

his (the king's) public action since his accession. Junius hoped public excitement would compel George to yield but he placed too much trust in his power over the ruling oligarchy and gave too little credit to the dauntless courage and resolution of the king. Lord North became prime minister, and his talent and winning personality, aided by the all-prevailing corruption and by the very violence of the opposition in which Junius took part, carried the day. It was the House of Commons which kept Lord North in power, and to its conquest the angry opposition turned. Finally, Junius saw the game was up, and issued the report in 1771 that he would write no more.[1]

Vickers refers to the destruction of Lord Mansfield's library in 1780 by the Lord George Gordon mob as an outburst of the public feeling aroused by Junius after Lord Mansfield's decision against Woodfall, the publisher of the Junius letters; in this particular instance, Junius' alleged libel against the king. Mansfield's decision wrought a revolution in the law of libel and makes juries now the judges of the law as well as of the facts. Junius warmly controverted the judge's doctrine, holding this would destroy the rights of the juries and eventually the liberty of the press itself. The ensuing public feeling that was aroused ended in riots throughout the country. The Lord George Gordon mob committed great excesses in London, and Lord Mansfield's books, manuscripts, and pictures (and almost himself) were destroyed.[2]

[1] C. H. E. L., Vol. X, pp. 454-7

[2] Vickers, pp. 391 and 395-6

If Junius' last letters were, as the Cambridge History[1] says, in 1771, then I suspect the date mentioned by Vickers is inaccurate.

1774--The American Colonies became represented on the censorship list in this year. A pamphlet by Thomas Jefferson entitled "A Summary View of the Rights of British America Set Forth in Some Resolutions Intended for the Inspection of the Present Delegates of the People of Virginia now in Convention; By a Native and Member of the House of Burgesses" was printed by sympathetic friends without Jefferson's knowledge. It is easy to see why it might have antagonized England for it included such statements as this, "Our emigration to this country gave England no more rights over us than the immigration of the Danes and the Saxons gave to the present authorities of their mother country over England." It contained material rejected by the Virginia Constitutional Convention. The Declaration of Independence is practically a transcript of this book. Popular in America, the British edition caused the proscription of Jefferson's name by the English House of Parliament.[2]

1775--Putnam says a volume issued with name in 1776 under the title of "The Present Crisis in regard to America Considered" was burned on the twenty-fourth of February of that year and is referred to as the last book which the English Parliament had condemned to the flames.[3]

1. Vol. X. p. 457
2. Haight, pp. 38-9
3. Putnam, Vol. II, pp. 265-6

1778--Macaulay says that in 1778 when "Evelina" appeared there was "a disposition among most respectable people to condemn novels generally." This feeling so far as it actually did exist was the result of the sort of novel which was then being generally published. Such unofficial censorship in the line of objections to the reading of fiction lasted well into the 19th century. Indeed, they have not entirely disappeared among strict Evangelicals to this day although "wholesome" novels came into general respectability during the reign of Victoria.[1]

1779--An anonymous book entitled "The Commercial Restraint of Ireland Considered" was published in Dublin in 1779, supposedly having been written by Honorable Hely Hutchinson. It was consigned to the hangman and today scarcely a copy is known to exist.[2]

1781--It made the old moralist, Samuel Johnson, furious to hear one who "swore and talked bawdy." He showed his objection to the phrase "damned fool" by repeating it with emphasis several times. As to Johnson's prudery, or lack of it, it may be defined by saying that he had the poems of Rochester castrated for his edition but not those of Prior. In other words, he put limitation on verbal freedom but he was not extremely strict.[3]

1783--Gibbon's "Decline and Fall of the Roman Empire," printed in an Italian edition in 1776, was prohibited in 1783 by the Roman Index. (The writings of Thomas Paine and Joseph Priestly escaped the attention of the compilers of the Roman Index, but the name of the latter author appears in a Spanish Index

1 Markun, pp. 231-2
2 Vickers p. 389
3. Markun, p. 195

in 1806.[1] Gibbon's work was banned because it contradicted much official Church history. In his vindication which refers to attacks more by Protestants than by Catholics, he says,

> "I stand accused for profanely depreciating the Promised Land. They seem to consider in the light of a reproach the idea which I had given of Palestine as a territory scarsely superior to Wales in extent and fertility; and they strangely converted geographical observation into a theological error. When I recollect that the imputation of a similar error was employed by the implacable Calvin to precipitate and to justify the execution of Servetus, I must applaud the felicity of the country and of this age which has disarmed if it could not mollify the fierceness of ecclesiastical criticism.[2]"

1791--England first and the scientific world next have the right to be proud of Joseph Priestly. As a diligent young student, he won many distinctions. His strong tendency toward natural philosophy was greatly encouraged by Dr. Franklin, and Priestly progressed so rapidly in the knowledge of physical science that his "History of Electricity," published in 1767, met much success. He was awarded the Copley medal by the Royal Society for a series of observations indicating much industry and ability, and entitled, "Observations on Different Kinds of Air," which led to the discovery of oxygen. A proposal to Priestly to accompany Captain Cook on his second voyage indicated public appreciation for Priestly's attainment, but some divines on the Board of Longitude prevented the appointment on the ground of religious principles. Seven years' companionship with Lord Shelburn introduced Priestly to

1 Putnam, Vol. II, pp. 157-8

2 Haight, p. 38

men of scholarship in England and abroad, but the publication of his "Disquisitions Regarding the Matter in Spirit" led to the discontinuance of that relation, although the kindest feelings always subsisted on both sides. About 1780, Priestly settled in Birmingham, and became pastor of a large congregation, a member of a Lunar Society, and a familiar and honored associate of Watt, Wedgewood, Darwin, and Boulton. Despite Priestly's discoveries of a large number of new and fundamentally important facts, it did not shield him from popular hatred. Although he labored for the direct benefit of the great masses socially, he was bitterly hated by the chief beneficiaries of his efforts. Party spirit ran high and public feeling became violent, and the public journals assailed him as an unbeliever and little better than an atheist. On the walls of houses and wherever he went, he says himself he was met with such signs or cries as "Appeal to the public," "Damn Priestly, No Presbytarianism," "Damn the Presbytarians." The virulence of ecclesiastical mediaevalism still reechoed the vast cry of sedition. "The church and king cry" was artfully raised to excite passion on the plea of patriotism. In 1791 on July 14, the second anniversary of the taking of the Bastille, popular wrath broke out and during three days, Birmingham was the scene of destructive turbulence. The town was abandoned to the rioters. The chapels and houses of prominent Dissenters were demolished. Priestly and his family were compelled to flee for their lives, and library, apparatus, papers, manuscripts, and all the accumulated treasures of many years of devoted scientific labor were

consigned to the flames. The philosopher endured these outrages with calmness although they must have crushed his heart. Here, surely, was an example where censorship was unofficial but complete.[1]

1792--Joel Barlow's advice to the privileged orders was eulogized by Fox on the floor of the House of Commons, whereupon the Pitt ministry suppressed the work and proscribed the author.[2]

Thomas Paine was indicted for treason in 1792, because of his views expressed in "The Rights of Man." Pitt commented, "Tom Paine is quite in the right but if I were to encourage his opinion, we should have a bloody revolution." The government tried to suppress the work.[3]

1795--Sheridan proposed to have publicly burned a treatise of Reeve entitled "Thought on English Government," but his proposal was not supported.[4]

1797--T. Williams was prosecuted for publishing Thomas Paine's "The Age of Reason" and was found guilty. It was a defence of deism against Christianity and atheism.[5]

Thomas Paine's views about the truth of revealed Christianity were no more radical than Franklin's and they differed little from Washington's. However, he attacked the Christian

1 Vickers, pp. 395-8

2 Haight, p. 39

3 Haight, pp. 39-40

4 Putnam, Vol. II, p. 266.

5 Haight, pp. 39-40

religion and declared there could be no utility in teaching error. Paine was one of the perhaps half a dozen men who did most to make the American Revolution successful. He was the most democratic of the lot and his democracy forbade him to believe that the ordinary people should be taught what their educated masters refused to believe. Paine took part in the French Revolution as well as the American. In France, democracy and anti-clericalism were closely connected, and just as the Revolution in America influenced the French Revolutionary leaders, the upheaval in France caused reverberation in the young republic of the United States. The cry of "liberty, equality and fraternity" echoed in America. True the Declaration of Independence, issued in 1776, signed by the most influencial of the American rebels, tells us that all men are created equal.

It is clearly apparent that the government wanted to suppress Paine's literary works just as it did the work of Thomas Jefferson.[1] Voluntary societies were formed to organize Puritanical opinion. One of their principal functions was to promote the enforcement of the law of obscenity in regard to books. The Society for the Suppression of Vice was formed in 1802. The Duke of Argyll's society for the encouragement of pure literature was flourishing in the sixties, and the National Vigilance Association took up the good work in 1885. This association is still in existence, but nowadays it appears to

[1] Markun, pp. 448-49

confine its activities, in the main, to the protection of young girls from undesirable influences. Here we see the censor marching on, though unofficially.[1]

To judge the success of such societies as these, let us consider for a moment the crusade waged by the Society for the Suppression of Vice in London against books and pictures which were considered objectionable. The police did little to assist the agents of the society, and yet in three years, there were destroyed 279 "blasphemous and impure books", 1162"obscene publications", 1495 song sheets, and 10,493 prints. The meaning of the seizures and confiscations does not appear from the mere statement of numbers. It is practically impossible to analyze the destroyed matter.[2]

1802--Harvard College authorities feared the students were too familiar with Paine's "Age of Reason" and presented each graduate with a copy of Watson's "Apology for the Bible" by way of an antidote. Markun says that long before the most famous set of teeth in the world unclenched sufficiently to allow the epithet "dirty little atheist" to be applied to Paine, John Adams called him filthy. There is no good evidence that Paine was either dirty or little, and he was not an atheist, but a deist. Certainly he could not be blamed for the bloodshed and other excesses of the Reign of Terror in France. He was treated as an enemy by the extremists there. Thomas Paine's pamphleteering had been extremely instrumental in causing the American colonists to work for independence. If there had been no

1 Craig, pp. 82-3

2 Markun, p. 270

religious complication, his right to be considered a hero of the Republic would hardly have been challenged. Yet, when Paine visited the United States, in 1802, he was fiercely denounced by clerical and conservative organs. At the same time, there were many Americans who thought all the better of him for his attacks on Christianity.[1]

1808--I have been unable to track down the full information on a case listed[2] for Sir John Carr vs. Hood and Sharpe, booksellers, tried at Guild Hall before Lord Ellenborough, July 25, 1808, but I know it had to do with liberty of the press and suspect it was another of the countless libel cases that filled the court records of the time.

1811--Shelley and his friend Hogg were dismissed from Oxford as being mutineers against academic authorities for publishing "The Necessity of Atheism."[3]

In this year Shelley's "Queen Mab," a philosophical poem, was censored. Shelley, following Godwin, shows us in his poems that government and society are corrupting agencies and that we are to follow nature. The thought was Rousseau's before it was Godwin's. Shelley came under the influence of Godwin's philosophy while he was still a school boy. He soon learned to call himself an atheist though this meant no more, perhaps, than that he refused to accept Christianity. In his poetry, he played with the idea of two contending divine forces; one

1 Markun, pp. 452-3

2 Ibid, p. 33

3 Haight, p. 42

good, and one evil.[1]

Young Shelley set out naively to reform the world, to be perfectly sincere and to be universally benevolent according to the doctrines of Godwin. It would have been bad enough if his "The Necessity of Atheism" had merely attacked Christianity, but it also put forward some of Godwin's most objectionable moral ideas. For instance,

> "A husband and wife ought to continue so long united as they love each other. Any law which can bind them to combination for one moment after the decay of their affection would be a most intolerable tyranny."

This belief in monogamous relations between the sexes was conventional, but when such a relation became a form of bondage, imposed by the Church and confirmed by the State, it was something to which Godwin, and in turn Shelley, no matter how good for the persons concerned it might be, objected strenuously. And so we see why Shelley was expelled from the University.[2]

Shelley married Harriet Westbrook; (1811) then, in accordance with his doctrine, having discovered that he no longer loved her, he went away (1814). Harriet's suicide made it possible for him to enter once more into legalized marriage. His second wife was Mary Godwin, the daughter of his great philosopher by Mary Wollstonecraft. The Westbrooks petitioned that his two children should be taken from him because his atheistical and immoral opinions made him an unfit guardian for them. The

1 Markun, p. 238

2 Ibid, pp. 238-9

Lord Chancellor by granting this petition confirmed the social ban on Shelley already existing,[1] and created a literary ban as well.

1812--Leigh Hunt began to edit a weekly, "The Examiner," which had been started by him and his brother. This ran until 1821, and its advanced political views and intransigence landed the pair in several government prosecutions, and at last in jail, in 1812, by calling the Prince Regent "an Adonis of Fifty." However, Hunt continued to edit "The Examiner" during their imprisonment of two years.[2]

1815--Shelley's "Alastor" was rejected by a library on grounds of immorality.[3]

Much of the literature of the Romantic Period was in distinct opposition to the older religion and morality. A good example of this exists in the very title, still a defiant one even today, to be found among Burns' writings, "A Parent's Welcome to His Love-begotten Daughter."[4]

Such a reaction, at least in the case of Burns, was due to the discrepancy which he found existed in the character of such critics, as Judge Erskine of Grange, who sat on the bench in the early part of the eighteenth century and enjoyed

1 Markun, p. 239

2 Buchan, p. 469
Nielson and Thorndike, p. 312, "Prose of the Romantic Period"
Heydrick, Benjamin A., p. 62, Biographical notes in "Types of the Essays"

3 Haight, p. 42

4 Markun, p. 54

the inquisitional task of routing out vice although he, himself was guilty of hanging matters.[1]

1817--Rome placed on her Index the "Zoonomy" by Erasmus Darwin. Although it appeared on the Index, it has been studied in the schools. Somehow or other, "The Origin of Species" and the other treatises by Charles Darwin, the grandson of Erasmus Darwin, have curiously enough escaped the attention of the Index authorities.[2]

William Hone, on an ex-officio information, was tried before Lord Ellenborough and a special jury for publishing a parody with alleged intent to ridicule the litany, and libel the Prince Regent, the House of Lords. On the following day, he was tried for publishing another parody on the Athanasian Creed, entitled "The Sinecurist's Creed."[3]

1818--Thomas Bowdler, another man whose name has given a word[4] to the English language, published in 1818, "The Family Shakespeare in Ten Volumes," in which nothing has been added to the original text, but those words and phrases

1 Markun, p. 53

2 Haight, p. 43
Putnam, Vol. II, p. 159

3 Young and Lawrence, p. 52

4 cf. Supra--"Curlicism"--C. H. E. L., Vol. XI, p. 362

are omitted which cannot with propriety be read in a family. Bowdler later edited Gibbon in the same way, omitting chiefly those passegs which he considered irreligious. He stated his guiding principle as follows:

> "If any word or expression is of such a nature that the first impression it excites is an impression of obscenity, that word ought not to be spoken nor written nor printed; and, if printed, it ought to be erased.

Bowdler's work was attacked in his own lifetime for its prudishness and for its rude treatment of works of genius. Curiously, it was Swinburne who had a good word to say for Bowdler at the end of the century, declaring that this editor made it possible for imaginative children to read Shakespeare. Bowdler was not, indeed, the first to remove morally objectionable portions from classical works in reprinting them, and he was by no means the last. But whenever we speak of bowdlerizing, we are reminded of this lover of virtue and friend to Hannah More.

Literary prudery was fairly common in the early part of the nineteenth century. An "honored friend" of Coleridge's persuaded him to delete the word "bitch," which he had originally used in "Christabel." The phrase "toothless mastiff bitch" became "toothless mastiff, which," the context

making such an easy change possible.[1] And so now, when we omit "those words and expressions which cannot with propriety be read aloud in the family," we bowdlerize, or, in other words, expurgate.[2]

The classics of Greece and Rome, however, have long enjoyed a privileged position in English education, and they have suffered comparatively little from bowdlerizing. There was once an edition of Martial for use in English schools which had "all the obnoxious epigrams," as Byron tells us, "placed by themselves at the end." This idea was that the book should be complete but still suitable for continuous reading in the classroom. The boys all read the appendix, however, even though it was not assigned.[3]

Peter Gandolphy's "A Defence of the Ancient Faith, or Exposition of the Christian Religion," printed (in London) in 1813, was prohibited in 1818. Gandolphy was a priest of the Catholic Church and at the time of this publication, had charge of the Spanish Chapel in London. The book had been promptly condemned by Pointer, Apostolic Vicar in London. Gandolphy journeyed to Rome, and succeeded in securing for his book the approval of the Master of the Palace and a certificate giving

1 Markun, p. 234

2 Haight, pp. 19-20

3 Markun, pp. 313-314

him the authority to state that his book had been approved by the Holy See. On the strength of this certificate, he placed copies again on sale. Pointer secured from the Inquisition instructions to confirm the prohibition, and as this was still ignored by Gandolphy, the latter was suspended. After years of controversey, the difficulty was finally adjusted by the correction of the text according to the specifications of Pointer.[1]

1819--Paine's "Age of Reason," which got the author indicted for treason in 1792 and Thomas Williams prosecuted in 1797 for publishing it,[2] appeared again in the limelight of censorship when, in 1819, Richard Carlile was tried for the same offence.

It is common law doctrine that, whereas in other cases of law the proceedings can be made public through newspaper accounts and law reports, "obscenity" cases are the exception. It is no defense to a charge of publishing such a libel that the matter is a fair and accurate report of judicial proceedings or a public meeting. This was brought out in 1819 (R. vs. Mary Carlile) and again in 1872 (Steele vs. Brannan).[3]

Ugo Toscolo's translation of Lawrence Sterne's "A Sentimental Journey Through France and Italie by Mr. Yorick" appeared on the Roman Index, where it still remains today.[4]

1 Putnam, VOL. II, p. 177

2 Ibid, pp. 42-43

3 Craig, p. 125

4 Haight, p. 43

As late as 1819, a press law was passed which imposed a penalty of transportation, on the writers or printers of godless and revolutionary works. This law was repealed in 1837, and the legislation of 1869 finally secured an assured freedom for the press. Putnam says it is the conclusion of Catholic writers, in summing up the history of what they call the exceptionally fierce and brutal censorship of England, that the responsibility for this rests with the original crime committed by the State against the Church universal; and with the continued and demoralising wrong caused by transferring the control of the Church to the civil authorities.[1]

The domestic crisis (1816) in Lord Byron's life rallied the sympathies of English society (rightly or wrongly) overwhelmingly on the side of Lady Byron, and the poet was subjected to the grossest insults. At first bewildered and then lacerated in his deepest feelings by the hue and cry against him, he perceived that "if what was whispered and muttered and murmured was true, I was unfit for England; if false, England was unfit for me." Accordingly, Byron left England in 1816 for the Continent, never to return. The events of that year marked a crisis in his poetic career as well, for his mind, naturally prone to melancholy and to hide that melancholy behind a mask of cynicism, became embittered by society's outrage (he felt) to him. He well recognized the hollow, envenomed hypocrisy of the English world of fashion under the Regency[2]. Speaking of the wave of moral censorship and indignation in which Byron had lost his popularity, Macaulay

[1] Putnam, Vol. II, pp. 266-7

[2] C. H. E. L. Vol. XII, p. 36

wrote, not many years later, "We know of no spectacle so ridiculous as the British public in its periodical fits of morality." And he went on to point out that the feeling against Byron soon subsided. His poetic works became more popular than ever.

In at least one instance, Byron played the moralist himself. Just as Sheridan had denounced the lascivious quadrille, he uttered harsh words about the waltz. This dance was, he felt sure, going to put an end to British virtue. "Now in loose waltz the thin-clad daughters leap," he declares, and some "display the free unfettered limb." Byron's concern for virtue in this instance is, at least in part, explicable by the fact that he had a deformed foot.[1]

Just as the literary-critical censorship of the "Edinburgh Review" in its contemptuous criticism of "Hours of Idleness," 1807, had roused him to a satiric onslaught upon the whole contemporary world of letters, so now, in his new environment, he prepared himself for the task of levelling against social hypocrisy the keenest weapons which a piercing wit and versatile genius had placed at his command.[2]

Byron's masterpiece, "Don Juan," was calculated to offend British prudery, as the author knew. Moore and other friends advised him not to publish it. For a time, he seemed to agree with them that this mock epic would not do for public circulation. Then he insisted that it should be printed, and without any cuts. The first edition did not, indeed, bear the name of

[1] Markun, p. 241

[2] C.H.E.L., Vol. XII, p. 36

either the author or the publisher, but there was no attempt to keep the names secret. A great volley of abuse appeared immediately. An article in "Blackwood's Magazine" called Byron a fiend, "laughing with detestable glee over the whole of the better and worse elements of which human life is composed." Byron himself said that the outcry was unprecedented and that he hardly dared to appear in public: "I was advised not to go to the theatres lest I should be hissed, nor to do my duty in Parliament lest I should be insulted by the way." The mob considered him immoral in his life and his writings; besides, they enjoyed the quasi-privilege of jeering at a lord. People kept on reading Byron's poems, the "wicked" ones with the rest, but they did not approve of the poet's character. Byron's death was romantic, perhaps also heroic. Yet his statue was excluded from Westminster Abbey.

Byron's life was in various ways interlinked with those of the other important writers of his time. He engaged in a number of word battles with Southey, one of the men of letters who had changed violently from his liberal position as a result of the Reign of Terror in France. Southey, attacking Byron in 1821, said: "For more than half a century English literature has been distinguished by its moral purity, the effect, and in its turn, the cause of an improvement in national manners. A father might, without apprehension of evil, have put into the hands of his children any book which issued from the press, if it did not bear, either in its title-page or frontispiece, manifest signs that it was intended for the brothel." Southey

expressed the opinion that, "the publication of a lascivious book is one of the worst offenses against the well-being of society." In the same year that this attack appeared, a pirated edition of Southey's youthful revolutionary poem, "Wat Tyler", was issued. Lord Eldon disposed of Southey's suit against the publishers with the ruling that he had no property rights in the book because of its immorality. This decision gave Byron ample material for satire on Southey's moral position with regard to other people's writings.[1] Byron's victory was complete and uncontestable, even though the British Government had brought against the publisher (Leigh Hunt in his magazine "The Liberal") of Byron's evidently effective rejoinder to Southey, "The Vision of Judgment," a charge of "calumniating the late king and wounding the feelings of his present Majesty," and won their suit.[2]

Byron's friend Thomas Moore was an Irishman and at least a nominal Roman Catholic. The legal profession was thrown open to the Papists in 1793. Moore came to London to study law not many years later. He sang well, he possessed the social graces, and he wrote amorous poetry of evident merit. Soon he found himself a welcome visitor in the best circles. His "Anacreon" was dedicated by permission to the Prince of Wales, who was then still popular. His second book of poems, "The Poetical Works of the Late Henry Little," which was published anonymously, aroused a little storm of abuse. As in the case of "Don Juan," there was no real attempt to conceal the author's name. The Edinburgh

[1] Markun, pp. 243-244

[2] C. H. E. L., Vol. XII, p. 40

Review called Moore "the most licentious of modern versifiers, and the most poetical of those who in our time had devoted their talents to the propagation of immorality," and attributed to him "a cold-blooded attempt to corrupt the purity of unknown and unsuspecting readers." Moore thought it necessary to challenge the editor to a duel; however, the police were notified in time to prevent the firing of any shots. A rumor spread that one of the pistols that were to be used in the duel was charged blank. Byron referred in a poem to "Little's leadless pistol." Again there was a challenge, but no serious result. Moore became the friend of Byron, as he had already become of Jeffrey.[1]

1822--There was printed in London a legal and constitutional argument by John Penford Thomas against the alleged judicial right of restraining the publications of reports of judicial proceedings, as assumed in the case of the King vs. Thistlewood and another, enforced against the proprietor of "The Observer" by a fine of 500 pounds and afterwards condemned by the Court of King's Bench.[2]

1823--The Italian Translation of Oliver Goldsmith's "History of England" was listed on the Index at Rome, "donec corrigatur."[3]

The year 1823 found, also, represented on the Index the following works: David Hume's "History of England" and William Robertson's "History of Charles the Fifth"(French edition).[4]

1 Markun, p. 244

2 Young and Lawrence, p. 41

3. Putnam, Vol. II, p. 161

4 Ibid, Vol. II, p. 161

William Lunbridge was sentenced for the publication of a book called "Palmer's Principles of Nature," as an alleged blasphemous libel upon the Christian religion, and the Holy Scriptures, of the Jews and of the Christians. The proceedings took place before a packed jury and Lord Chief Justice Abbott in the Court of King's bench, Guildhall, at Westminster.[1]
1824--Hume's philosophical writings appear in the Roman Index of 1824.[2]

After Byron's death in 1824, Moore published his biography. The noble poet was not just then very popular, and the life had a disappointing sale. Perhaps one of the contributing reasons for this was Moore's reticence about Byron's intimate life. Greville says in his contemporary diary: "But as to the life, it is no life at all; it merely tells you that the details of his life are not tellable, that they would be like those of Tilly and Casanova, and so indecent, and compromise so many people, that we must be content to look at his life through an impenetrable veil." In the reproduction of Byron's correspondence, asterisks and initials are often given instead of names, and many hiatuses are indicated. On the other hand, some later critics, for example, Mrs. Harriet Beecher Stowe, complain that Moore expresses no moral indignation over Byron's wickedness. He inquires quite calmly about the possibility that Byron really had a child when he wrote, while still a schoolboy, the poem called "To My Son."[3]

1 Young and Lawrence, p. 22

2 Putnam, Vol. II, p. 155

3 Markun, p. 245

1825--William Roscoe's biography of Pope Leo X was prohibited by the Roman Index compilers in both English and Italian versions. Practically all of these histories, books on philosophy, etc. were printed many years before they were actually condemned.[1]

1826--Having bowdlerized the works of Shakespeare in 1818, Thomas Bowdler put Gibbon's "Decline and Fall of the Roman Empire" through the same process.[2]

1827--Henry Hallam's "Constitutional History of England" was prohibited by Rome and in 1833 his "View of the State of Europe During the Middle Ages," was prohibited in the Italian edition.[3]

1833--1846--During these years some of the poems of Dante Gabriel Rosetti, translated from the Italian, were placed on the Index where they remain today.[4]

1836--"The Awful Disclosures of Maria Monk" appeared this year, perhaps the last of the popular witchcraft confessions. The book escaped censorship then but is now prohibited in Canada, perhaps because the milieu of the disclosures is Montreal.[5]

1837--According to many Victorian moralists, whatever was unsuitable for the reading of a virgin of sixteen ought not to be published at all. Yet, there was some willingness to be

[1] Putnam, Vol. II, p. 162

[2] Haight, p. 38

[3] Haight, p. 43

[4] Putnam, Vol. II, p. 162

[5] Craig, pp. 98-99

tolerant in the case of books which the young girl could hardly be expected to read. Early in the reign of Victoria, a Roman Catholic ecclesiastic, Cardinal Wiseman, spoke in a lecture of the occasional indecency of Chaucer and Spencer. Then, Leigh Hunt, who died in 1859, defended the old poets in an article which appeared posthumously in"Fraser's Magazine."[1]

1841--Swift's "Tale of a Tub" reappeared in the catalogue of condemned books, of Pope Gregory XVI. This ban, however, was lifted forty years later (1881).[2]

1842--Shelley's "Queen Mab," privately printed because of its opinions on moral and religious matters, was prosecuted for blasphemy. The publisher was released upon surrendering all copies in his possession.[3]

1843--"Peter Parley's Annual, a Christmas and New Year's Present for Young People" was written by Rev. Samuel C. Goodridge in 1843. It comprised about 170 tales, moral and historical, for children. Several million volumes were said to have been sold. They proved so popular that various pirated editions were published in England, and illustrated by some of the famous illustrators of the day, including Cruikshank, Leech, and Phiz.[4]

1850--The authorities forbade the translation of the text, as a libretto, of Alexandre Dumas, fils, "La Dame aux Camélias" although they permitted its performance as an opera.[5]

1 Markun, p. 293

2 Haight, pp. 28-29

3 Ibid, p. 42

4 Haight, pp. 50-1

5 Ibid, p. 34

In the same year, John Stuart Mill's "Principles of Political Economy" was prohibited by the Roman Index and in 1851, his "Treatise on Liberty," along with Richard Whately's "Elements of Logic" and practically all the works of Jeremy Bentham. Strangely, sooner or later most of Bentham's works appeared on the Index but the usual "opera omnia" term was not used.[1]

1852--"The Book of Common Prayer of the Church of England," adapted for use in other Protestant churches, was published in London in 1852 by William Pickering. Though compiled by Prince Albert, the consort of Queen Victoria, and Chevalier Bunsen, this liturgy was suppressed when it was discovered that it did not contain the slightest reference to Christ as God.[2]

1853--It was brought out in a case, Dugdale vs. the Queen, that it is, in addition to publishing an obscene libel, also a misdemeanor to procure with intent to publish.[3]

1856--Haight dates the Roman suppression of Mill's "Principles of Political Economy" as 1856; Putnam, we have seen above, as 1851. It is clear the reason was that with Mill's "System of Logic" it epitomized the social and philosophical theories of the more educated English radicals of the day.[4]

1857--The same year that Elizabeth Barrett Browning's "Aurora Leigh" was condemned in Boston, U.S.A., as the "hysterical indecencies of an erotic mind," in England, Thackeray declined

1 Putnam, Vol. II, p. 158

2 Haight, pp. 53-4

3 Craig, p. 21

4 Haight, p. 54

to publish her "Lord Walter's Wife" because of the "immoral situation;" and it was excluded from the monopolistic circulating libraries,[1] which themselves along with regular libraries by their choices in stocking books are capable of effectively exerting a censorship ban.[2]

It will be recalled that this was the year of Lord Campbell's Act, discussed more completely several pages back in this chapter of the dissertation,[3] for more effectively preventing the sale of obscene books, pictures, prints, and other articles. Originally it was intended to apply exclusively to works written for the sole aim of corrupting the morals of youth and of a nature calculated to shock the common feelings of decency in any well-regulated mind. Lord Chief Justice Cockburn was later able to construct as the test of obscenity the determination whether the matter charged as obscene tends to deprave and corrupt those whose minds are open to such immoral influences. The American courts, says Bowerman, generally follow this test; actually, this law in England is not oppressive since English justices under whom such proceedings are taken are usually learned and conscientious.[4]
1859--Two years later, George Eliot's "Adam Bede" met with a similar fate. Although a popular success, it was vehemently attacked as "the vile outpourings of a lewd woman's mind,"

1 Ibid, p. 54

2 Craig, p. 90
Bowerman, George F. pp. 22-3, "Censorship and the Public Library With Other Papers."

3 cf. Supra, pp. 82-83

4 Bowerman, pp. 15-16

and was soon withdrawn from the circulating libraries of the period.[1]

1860--Within the Church of England there were a number of attacks upon alleged heretics. A book called "Essays and Reviews," which was written by seven ministers and published in 1860, aroused heated controversy. The Rev. Fowland Williams was brought to trial on the charge of having, as one of its authors, denied the doctrine of eternal punishment. The ecclesiastical court which first heard the case dismissed Williams from his ministry. Then the Privy Council, sitting as a court of appeals, accepted the defendant's plea that he had merely hoped God would not punish sinners eternally and that he was not presuming to deny an accepted tenet of the Church. Another contributor to the book, Wilson, was also cleared on appeal. A counterpart of the same case occurred when, in far-off Natal, Bishop Colenso examined the Hexateuch, applying the tests of the higher criticism. The Bishop of Cape Town deposed him from his See for publishing heretical views. Once again the Privy Council favored the liberal side, declaring the deposition null and void. The orthodox bishop then displayed his zeal by issuing an order excommunicating Colenso. This, too, was treated as invalid. But the danger in espousing heterodox religious views was seen to be considerable. During practically the entire Victorian period, public opinion was on the side of

[1] Haight, p. 54

the old, familiar views.[1]

Swinburne's "The Queen Mother" and "Rosamund" were withdrawn because of strenuous objections to their licentiousness.[2]

1861--When Palgrave compiled (and dedicated to Tennyson in 1861) his "Golden Treasury," he omitted Spenser's "Epithalamion" from it because, as he said, he did not consider it in harmony with his age. That is to say, he felt that the inclusion of such a poem would jeopardize the success of an anthology which might be expected to have a place on parlor tables and in schools for girls. Edward Hutton, commenting on this omission in 1906, remarked that "happily manners have changed much since mid-Victorian times, and we may all read the 'Epithalamion' without being expected to blush." Curiously, one or two poems were included in Palgrave's anthology, which we might expect to have been found equally objectionable with Spenser's marriage hymn.[3]

1863--The Roman Index action taken against Dumas in 1850 went one step further in 1863, and all love stories by him were placed, and still are, on the Index.[4]

1866--It must not be thought that the number of prosecutions is a measure of the amount of literary suppression caused by the law of obscenity. Naturally, many books never reach publication for fear of the law. More than that, many are withdrawn from publication on threat of prosecution by authority. A classic example of threat of prosecution is the case of

1 Markun, pp. 285-6

2 Haight, p. 55

3 Markun, p. 294

4 Haight, p. 34

Swinburne's "Poems and Ballads."[1]

Swinburne, says Markun, went further even than Rossetti in defying the mid-Victorian conventions, sometimes almost seeming to be blissfully ignorant of the prudery of his times. On one occasion (in 1862) he attended a party at which Thackeray and his two daughters and the Archbishop of York were among the guests. The poet read to a mixed group no less shocking a poem than "Les Noyades." The Archbishop soon looked worried, Thackeray's daughters giggled aloud, Swinburne looked up annoyed. But he kept on reading till the butler appeared and saved the situation by announcing, "Prayers, my lord."

The offending poem, together with others which proved to be no less offensive, was published in 1866 in a volume called "Poems and Ballads" in England, "Laus Veneris" in America. Dallas, who was chief reviewer for the "London Times," saw an early copy of the book and immediately called on Moxon, the publisher. He insisted that Moxon should make no attempt to circulate it, saying that he would otherwise launch attacks upon author and publisher both of which would have dire consequences. Moxon was afraid of Dallas' ill will and withdrew from his connection with the book, before another publisher was found.[2]

As Craig tells the story, he calls Swinburne's "hound of a publisher" not by the name Moxon but Payne, who, just when the first copies of the first series were out, withdrew the issue,

[1] Craig, A., p. 43

[2] Markun, p. 297-8

distracted with terror of the public prosecutor, apparently convinced that "The Times" was going to demand prosecution.[1] The storm of excitement that ensued temporarily suppressed the volume[2] but, happily for posterity, Swinburne found another and less timorous publisher and with characteristic moral courage, refused to alter a word of what he had written.[3] Amid the orgy of moral indignation, good people were to be found refraining from reading Swinburne's poems about the sea and the laughter of a child as well as those which glorify illicit passion or attack the religion of Jesus. Swinburne was influenced in his treatment of sexual themes by the Hebrew prophets, the Elizabethan dramatists, and several French writers. After him there appeared many English authors who defied the mid-Victorian taboos, but most of them began to publish their work when the old prudishness was already beginning to crumble.[4]

1866--In 1857 an association was instituted in England "for the promotion of the unity of Christendom". Its special purpose was to bring together the members of the Catholic, the Greek, and the English churches. The members of the society accepted the obligation to make a daily prayer to this end. Cardinal Patrizzi declared in the name of the Inquisition in a letter addressed September, 1864 to the English Bishops that Catholics were forbidden to take part in this association. In 1866 Archbishop Manning confirmed this prohibition. Partrizzi had con-

1 Craig, p. 44
2 Haight, p. 55
3 Craig, p. 44
4 Markun, p. 298

demned in his first letter the "Union Review", which was the organ of the society, but the "Review" was not placed on the Index. A series of essays on the reunion of Christendom, written by members of the society and edited by F. G. Lee, was placed on the Index in 1867.[1]

1868--In 1868 was prohibited a work by the English writer, Edmund S. Ffoulfes, which had been published in London in 1865 under the title, "Christendom's Division, a Philosophical Sketch of the Division of the Christian Family in East and West." The work had been sharply criticised by Cardinal Manning, but it does not appear that Manning had made any formal denunciation of the same to Rome.[2]

A report on Hicklin's case (R. vs. Hicklin) in 1868 was condemned as obscene, in line with the common law doctrine, which was to be expressly enacted in 1888 in the Law of Libel Amendment, and again in the Judicial Proceedings Act of 1926.[3]

A case occurred in this year, which was of vast importance because of the bearing it had in connection with Lord Campbell's Act of 1857 and the famous dictum of Sir Alexander Cockburn, which was to become in the future the test of literary obscenity. The case referred to is one

1 Putnam, Vol 11, pp 177-8

2 Ibid p 174

3 Craig, p 125

of the Queen against Hicklin. I have been unable to get complete information about the charges, but as Craig tells the story,[1] he relates that in 1868 an appeal came before Lord Chief Justice Cockburn against a seizure under Lord Campbell's Act of a pamphlet entitled "The Confessional Unmasked Showing the Depravity of the Romish Priesthood, the Iniquity of the Confessional, and the Questions Put to Females in Confession", the main point of which was to discredit the Roman Catholic Church, an aim not averse to Lord Cockburn's sympathies. This may or may not have been written by Hicklin.[2] As Craig introduces it, however, it would seem to have been. At any rate, the Chief Justice held that it could not avoid to excuse obscenity and "The test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall."

1 Craig, pp. 24, 67, 116, and 164

2 I have since verified it as Hicklin's

This became incorporated into the law of the land, in England, and even went so far as to be the inspiration for American courts to define the terms "lewd," "lascivious," "indecent," and "obscene" in statutes and common law indictments.

In Hicklin's case counsel instanced a picture of Venus in the Dulwich Gallery and Mr. Justice Lush remarked: "It does not follow that because such a picture is exhibited in a public gallery, photographs of it might be sold in the streets with impunity." In the same case Lord Chief Justice Cockburn himself said:

> "A medical treatise with the illustrations necessary for the information of those for whose education or information the work is intended, may in a certain sense be obscene and yet not the subject for indictment; but it can never be that these prints may be exhibited for anyone, boys and girls, to see as they pass. The immunity must depend upon the circumstances of the publication."

In the words of Lord Campbell's Act, the articles condemned must be "of such a character and description that the publication of them would be a misdeanour and proper to be prosecuted as such."[1] After the trial, a report of Hicklin's case was condemned as obscene.[2]

1871--Robert Buchanan, while always ready to criticize, denounced the "Memoire of Charles Baudelaire", as skillfully and secretly poisoning the mind of the unsuspicious reader.[3]

Buchanan, who had been largely responsible for the storm of excitement in 1866 over Swinburne's "Poems and Ballads" and

1 Craig, pp. 164-5

2 Ibid, p. 125

3 Haight, p. 45

had classed Swinburne with Rossetti and his circle as the Fleshly School, now under the pseudonym of Thomas Maitland in an article in "The Contemporary Review," attacked Rossetti and his Fleshly School of poetry as immoral and one of his sonnets as "one profuse sweat of animalism". Rossetti, deeply hurt, replied in an article called "The Stealthy School of Criticism."[1]

1873--It may be noted that Bloch's "Geschlechtsleben in England," a voluminous work full of references of considerable historical and sociological interest, has never been translated into English in its entirety. John Addington Symonds' learned and discriminating study, "A Problem in Greek Ethics," written in 1873 when his mind was occupied with his "Studies of Greek Poems," has always been published privately, and his corresponding "Problem in Modern Ethics" was similarly treated in 1891.[2]

Pater's "Rennaissance" first appeared in 1873. Some of his most pagan utterances gave dissatisfaction and were ommitted from the second and third editions of the book, but with the beginning of the edition of 1888, they were restored although with certain modifications. Young men, says Markun, were then permitted to read that they should "burn with a hard gemlike flame", that they should renounce Christian asceticism in favor of Greek serenity with regard to the sensuous. Pater's ideas exerted great influence upon Oscar Wilde and some of the other writers who were known at the end of the century.[3]

1 Haight, p. 43

2 Craig, p. 167

3 Markun, p. 309

1875--A collection of essays by Tyndall, Owen, Huxley, Hooker, and Lubbock, translated into French together with certain papers by Raymond, edited by the Abbé Moigno, on the general subject matter of science and faith, was printed in Paris in 1875 and prohibited by the Roman Congregation the same year. Connected with the prohibition is a statement that the notes of Moigno on Tyndall and the other naturalists must meet the approval of the Congregation.[1]

1876--In 1833, Dr. Charles Knowlton of Massachusetts published a pamphlet called "Fruits of Knowledge", although I think most references have it "Fruits of Philosophy." This book later aroused a controversy in England and brought about the world-wide interest in Neo-Malthusianism.[2]

Charles Bradlaugh, who had been several times forced to stand trial for blasphemy and sedition, realized that his appearance in court would mean wide publicity for his doctrines, so he involved himself in the republishing of this pamphlet. He was joined by Mrs. Annie Besant, who later became absorbed in Oriental mysticism and repented of her interest in such work as this.

1877--The two published, in 1877, and circulated Knowlton's work. They were arrested, convicted, and sentenced to prison terms and payment of heavy fines. On appeal, they escaped through a technicality, but they accomplished their chief purpose, the wide publicity of his doctrines.[3]

The trial took place in June, 1877, and the jury returned

1 Putnam, Vol. II, pp. 160-161

2 Markun, p. 291-2

3 Markun, p. 293

the following indictment:

> "We are unanimously of the opinion that the book in question is calculated to deprave public morals, but at the same time we entirely exonerate the defendants from corrupt motives in publishing it."

The Lord Chief Justice instructed the jury that this was a verdict of guilty, and subsequently sentenced the defendants to six months' imprisonment and a fine of 200 pounds each and to enter recognisances of 500 pounds each for two years.[1] The defendants continued publishing after the verdict of the jury. Had they not done so, but submitted to the law, the Lord Chief Justice says that the court would have been prepared to discharge them on their own recognisances to be of good behavior. After some argument, they were released on bail, pending appeal on a writ of error.

An appeal to quash the indictment on the ground that the words relied upon by the prosecution as proving their case ought to have been expressly set out was heard by Lord Justices Bramwell, Brett, and Cotton in February, 1878. The appeal was allowed, it being held that the words should have been set out even if they were the whole book.

In opening his judgment, Lord Justice used the following words:

1 Craig, pp. 146-7

"This case comes before us in no sense upon its merits, but upon a purely technical question."[1]

The jury found the work, "Fruits of Philosophy," had been published in good faith for the public good, and that it recommended immoral practices. It appeared in evidence that it was not obscene in the sense of being calculated to excite passion.[2]

The defendants were, of course, released. But the trial enabled Annie Besant's husband to deprive her of the society of her daughter for ten years, and she was grossly insulted by Sir George Jessel, the Master of the Rolls.

While the trial was pending, books sent out from Bradlaugh's publishing house were seized in the post.[3]

Aside from its importance as one more case of censorship, the Bradlaugh case had greater significance from other angles. For instance, it was established, in English law through this case, that the words complained of must appear in the indictment.[4]

1 Craig, pp. 146-8

2 Ibid, p. 141

3 Ibid, p. 148

4 Ibid, p. 104

The case also made clear that the famous judgment of 1868 by Lord Chief Justice Cockburn concerning the law of obscenity had not lost any of its force. Craig cites from Sir James Stephens' "Digest of the Criminal Law," 1877, his reference to obscene publications as a good way to understand the confusion and uncertainty of the law although he personally found little or no difficulty to draw the line between obscenity and purity:

> "Everyone commits a misdemeanor who without justification (a) publicly sells, or exposes for public sale or to public view, any obscene book, print, picture or other indecent exhibition; (b) publicly exhibits any disgusting object."

In a subsequent edition he added to (a) of the article quoted the words:

> "or any publication recommending sexual immorality even if the recommendation is made in good faith and for what the publisher considers to be the public good,"

and appended the following note:

> "These words are added in reference to the case of R.vs. Bradlaugh tried before Cockburn, C. J., June 18, 1887. I have not seen any report of the trial itself. Proceedings in error on the ground that the indictment was defective were taken in 1878 and are reported in Bradlaugh vs. R. (1878)".

Commenting further on the trial, he subsequently added:

> "I leave this note unaltered, but since it was written, the case of R.vs. Bradlaugh may be considered to have gone some way towards establishing a different principle, and to have invested juries to a certain extent with the powers of ex post facto censors of the press so far as such publications on the relations of the sexes are concerned. I think that juries ought to exercise such a power with the greatest caution when a man writes in good faith on a subject of great interest and open to much difference of opinion, and when no indecency of language is used, except such as is necessary to make the matter treated of intelligible."[1]

[1] Ibid, p. 142

A striking similarity is to be found between the words spoken by Annie Besant at her trial and those used in the preface to the report of it. The one as well as the other recognized the principle of a free press at stake.

> "There are various rights of speech which the public enjoy. The right of discussion in theology is won, but as to discussion on social subjects, there is at present no right." 1
> (Annie Besant)

> "There is but one limit to that freedom, and that is that slander and libel should be easily punishable by the law, so that the pen should not be permitted to vent private malice in assault on private reputation. The discussion of ethics, of social science, of medicine, is an attack on no one; no one's reputation is injured by it; it can have nothing in it of the nature of slander. Such discussion has always been the medium of progress, and the right to it must be won at all hazards." 2

In 1877, was printed (privately) in London a catalogue which from the title has been classed with the Indexes: "Index librorum prohibitorum; being notes bio-biblio and iconographical and critical on curious and uncommon books", compiled by Pisanus Fraxi. This is, however, simply a list, probably prepared for commercial purposes, of obscene books.[3]

1 Quoted by Craig, p. 143

2 Ibid pp. 144-145

3 Putnam, Vol 11, pp. 266-267

1880--Charles J. Earl's "The Forty Days of Christ Between His Resurrection and Ascension" and " The Spiritual Body", printed in 1876 and 1878, were prohibited in 1880--Earl had in 1851 been converted to Romanism--by the Roman Index. 1882--In his "Reminiscences of a Bashi Bazouk", Vizetelly tells how he conveyed a telegram for the Daily News to the press censor at the headquarters of Lord Wolseley's Army, in which he stated that soldiers mortally wounded were dying in great agony because not a drop of morphia among medical stores there had been landed. He received the information from a doctor of the Army Medical Corps attached there to the hospital, and it was perfectly true, but the paragraph was removed because of objections raised by the censor and the chief of staff. The latter explained, "We can't have statements like this sent home, you know. A telegram of that description would cause endless trouble and annoyance! " [1]

[1] Vizetally, E., "Reminiscences of a Bashi-Bazouk" cited in Young and Lawrence, p. 82

1880--Charles J. Earl's "The Forty Days of Chi

1883--"A Modern Lover," a three-volume novel by George Moore, was banned by Mudie's circulating library, which exercised a virtual censorship because every one borrowed, and few bought the expensive three-volume novels of the day. Moore vowed revenge and published his next novel, "A Mummer's Wife," in 1885, in an inexpensive single volume, thereby starting a vogue to break the monopoly of circulating libraries.[1]

Oriental literature is quite unknown in Europe in its true colors except by experts or those who have access to limited editions. In 1883, "The Kama Sutra of Yatsyayana," a Sanskrit classic written about 300 B.C. and greatly prized by the educated classes in India, was translated into English by certain learned Brahmins for the Kama Shastra Society, but the circulation was private and the price was fifty shillings for half a dozen paper-covered pamphlets. Yatsyayana's work, and that of the good Sheik Nefzouri, are, one suspects, sometimes the unacknowledged source of a good deal of popular modern sexology.[2] This latter work was fully translated into English via the French and published privately in 1886 but has never been

[1] Haight, p. 55

[2] Craig, p. 54

available to the general reader.[1]

1885--The manner in which Burton's famous translation of "The Arabian Knights" has been published is a most striking example of restriction. The original, an unexpurgated edition was published to private subscribers in 1885 and 1886. It consisted of 16 volumes at a guinea a volume. Subsequently in the sale room this edition has fetched prices ranging up to 50 shillings. Numerous reprints have been made of varying quality which have always fetched ten shillings a set and in many cases a great deal more according to quality and demand. This work, the only complete translation into English of the great Arabic classic, has never been made available for the ordinary reader. A translation via the French of Dr. J. C. Mardrus by E. Powys Mathers was published to subscribers at a high price in 1929.[2]

Burton's wife, an ardent and pietistic Catholic, did not altogether approve of her husband's frank language. She prepared a bowdlerized version of "The Arabian Knights", which, I suppose, did no particular harm to anyone. Also, somewhat strangely, she permitted the translations of Pentamerone and of Catullus, which remained in manuscript after his death to be published. She destroyed a manuscript translation of the Arabic erotic

1 Craig, p. 53

2 Ibid, pp. 53-54

work called "The Scented Garden," and she forbade other works of his to be printed without the express permission of the secretary of the National Vigilance Society, an organization opposed to the circulation of literature which its managers considered immoral. Despite domestic and other censors, Burton helped to make educated Englishmen conscious of the existence of a world apart from their own, one where no shame was felt in deriving the greatest and most varied pleasures possible from sex.[1]

As regards classics, a situation (though perhaps less acute) exists analogous to that having to do with Oriental literature. As a result of the state of the law, the most scholarly of openly published translations of certain classical authors are incomplete, while the classical translations in popular use are so bowdlerized as to give the reader a very false conception of the Greek or Roman mind. The only translation of "Casanova's Memoirs" which approaches completeness was published for subscribers only at a high price, and so strong is the influence of national prudery that even the corresponding monument of historical interest in our own literature, Pepys's "Diary," has only been seen in its entirety by a few scholars. A translation of the great autobiographical work of Restif de la Bretonne was published to subscribers only at a high price in 1930. Most of Proust's great saga, "A la Recherche du Temps Perdu," is available in English at cheap and moderate prices but two of the novels which compose it are issued in limited editions at prices beyond any but a

[1] Markun, p. 312

well-filled purse.[1]

1887--Not only has it been necessary for a writer to keep in mind the law of the land, but if a doctor, he must also keep in mind the ethics of his profession. As the result of a protest by the Leeds Vigilance Association in 1887, Dr. H. A. Albutt of that city was struck off the Medical Register for publishing a work on contraception, called "The Wife's Handbook." The price was 6 d. Part of Allbutt's offense, it was thought, was the rather blatant advertisements in the book. At any rate, the General Medical Council found him guilty of having published and publicly caused to be sold (in London and elsewhere) the above-mentioned book at so low a price as to bring it within reach of the youth of both sexes to the detriment of public morals; and in their opinion, the offense was infamous conduct in a professional respect, so Albutt was dropped from the Medical Register.[2]

1888--The Law of Libel Amendment Act, 1888, provided that a copy of the book should be deposited with the indictment, together with particulars showing precisely the parts complained of. This provision was embodied in the Indictments Act of 1915.[3]

The distortion caused by the law of obscene libel continued to occur in connection with foreign and classical literature, and the eighties offer us another famous case. In that decade, of the last century a long battle was fought between Victorian prudery

1 Craig, p. 55

2 Craig, pp. 113-4

3 Ibid, p. 147

and Henry Vizetelly. Vizetelly was a publisher who combined a taste for the realistic school of French writers with the task of popularizing Longfellow in England. He issued translations of Zola's novels which, although bowdlerized, were too much for the British public. In 1888, he was prosecuted in respect of a translation of "La Terre" and fined.[1]

In the same year he had compiled and privately pointed "Extracts Principally from English Classics (showing that the legal suppression would logically involve the bowdlerizing of some of the greatest works in English literature)." This volume was really in defense of Vizetelly but he was condemned to prison the next year, for publishing such "pernicious literature" as the novels of Zola; although a suffering old man, he was made to serve three months. He died in 1894, a ruined man as the result.[2] "A London Times" leader at the time (Nov. 1, 1888) tells how the Solicitor-General intimated at the trial that henceforth anyone who might publish Zola's novels or works of similar character would do so at his peril and should not expect to escape so easily as Mr. Vizetelly.[3]

It is often carelessly assumed that the revolt against the old standards in English literature broke out abruptly in the 1890's and entirely as the result of foreign influences. Perhaps the latter assumption is a result of the fact that the orthodox moralists of England have almost always condemned books and

1 Ibid, p. 46

2 Ibid, p. 46
Haight, p. 56

3 Craig, p. 47

customs that have seemed obnoxious to them as un-English. Italianate works, poetry contaminated with the skepticism and the indecency of France or (in our own times) of Germany and Russia have been condemned on patriotic grounds as well as on the more obvious moral ones.[1]

Thomas Hardy's boldest novels appeared in the '90's. Apparently he was affected by the moral criticisms directed against his work, and this seems to be the reason why he stopped writing novels and turned his attention entirely to poetry. Some other novelists, of much less literary importance, created about as much stir as Hardy in the last years of the nineteenth century. A journalist of Canadian origin, Grant Allen, published in 1895 a novel called "The Woman Who Did." His advocacy of increased freedom in the relations between the sexes caused a burst of moral indignation which increased the sale of the book. Its commercial success brought a number of imitators into the market.[2] 1891--The circulating libraries, which held a virtual censorship over bourgeois reading, in 1891 banned Hardy's "Tess of the D'Urbervilles: A Pure Woman Faithfully Portrayed," and five years later, in 1896 treated his "Jude the Obscure" in similar style.[3] 1894--George Moore's "Esther Waters" was on the list of books which the circulating libraries refused to stock.[4]

All of Zola's works were covered by the Roman Index inclusion

1 Markun, p. 313

2 Ibid, p. 324

3 Haight, p. 57

4 Ibid, pp. 55-6

in 1894. With Zola and his relationship to censorship, as in so many other similar cases so far, there is a strong tinge of irony. It is to be noted that when he caused a judicial inquiry to be made into the notorious Dreyfus case (which at the time was convulsing French politics and society) and published the open letter, "J'accuse," his strong denunciation of all who had, on the slightest evidence, convicted and banished Dreyfus, refusing all his appeals for a new trial, brought a case against himself for libel of the army chiefs. It was necessary to escape from their power, and he went to England (1898), where the publisher of his own "pernicious novels" had been jailed in 1888.[1] 1895--Oscar Wilde's famous trial occurred in 1895 and Wilde became an outcast, the full account of the real story being locked up in the British museum until every living person involved should have passed on. The London publishing houses had become, we learn, very jumpy. About the same time that Ellis' "Sexual Inversion" appeared, Edward Carpenter was offering "Love's Coming of Age" to the London publishers. On finding he had privately printed a pamphlet on "Homogenic Love," contract with Carpenter to publish "Love's Coming of Age" and turned "Towards Democracy" out of doors.[2] This, however, did not deter Carpenter, who finally issued the first of these books at his own expense. Carpenter's book, even more than Ellis', was intended for the general reader. Its tone is guarded throughout. There is, indeed, a chapter on homosexual love,

[1] Ibid, pp. 56-7

[2] Craig, p. 45

but the matter is treated in such a way that moralists have to go somewhat out of their way to take offense. In 1911, with its success already accomplished, Carpenter wrote in the preface to a new edition an account of his early trials, adding: "And today people are beginning to see that a decent and straightforward discussion of sex questions is not only permissible, but is quite necessary." More explicit books than "Love's Coming of Age" now circulate freely in England.[1]

1898--Havelock Ellis planned for his own writing a work on the psychology of sex. The first part that was ready, "Sexual Inversion," appeared in 1897. In the preceding decade, England had apparently become accustomed to frank discussions of sexual problems. Yet Ellis and his publisher made no great attempt to advertise the book, and it was quietly sold to a few people. A German translation was received with great interest and occasioned no prudish protests. But in England matters remained very different. In 1898, Bedborough, who was prominent in the free-thought movement, sold a copy in his private house to a detective. He was there arrested for "publishing an obscene libel;" that is, selling an indecent book.[2]

Certain copies of "The Adult," the monthly organ of the Legitimation League (of which Bedborough was editor and secretary respectively), were also seized and alleged to be obscene, as well as a print of a lecture delivered at one of the League's meetings. Ellis, of course, had no connection with either the League or

1 Markun, pp. 315-6

2 Markun, p. 315

Bedborough, and he had never been a contributor to the magazine, but the League happened to have copies of his book for sale because this publisher also handled "The Adult."[1] The case was set for a grand vindication of the principle of freedom but at the eleventh hour, Bedborough, who was out on bail, lost his nerve and went to Scotland Yard and made his peace, feeling it was better to plead guilty and not compromise more important concerns of his. He was promised complete immunity for pleading guilty to most of the charges against Ellis' book and "The Adult." The publication of the book and of the remainder of the work in England was then abandoned, the series today being published by a Philadelphia firm, specializing in medical works supposedly restricted in sales to physicians and lawyers. Although it was intended for the laity and as a serious scientific contribution not as a piece of pornography, it is only in France and in Germany that it is sold to the people for whom it was intended.[2]

Shortly after the Bedborough trial, another volume of Ellis' "Studies" was seized and an order made for them to be "burned," although some people believe that this really meant the distribution of the books among police officers so that they might be in a position to study them for future dealings with a similar type of book. Later, however, de Villiers, who published them, was arrested on another charge and soon afterwards died.

At this second indictment of Havelock Ellis' work, one of

1 Craig, p. 129

2 Ibid, pp. 129--132
Markun, p. 315

the books by Walter M. Gallichan, "Chapters on Human Love," written in 1898 under the pen name of Geoffrey Mortimer, was seized by the police and an order was made for its destroyal. Today the book would probably be considered old-fashioned in its reticence and propriety. The prohibition of the book created a considerable demand for it and a London book-seller by some means or other obtained copies and sold them at two guineas each. Gallichan feels that had the volume been sold unmolested in the ordinary way and at ten shillings, the original price, it would have probably attracted but very little notice.[1]

Craig points out at this point an obvious conclusion, that while in the seventeenth century, the battle was around the problem of religion, today it is around the problem of sex.[2]

1899--That foreign language in itself is no defense to a charge of obscenity was brought out in the case R. vs. Hirsch in 1899, although such cases have been very rare.[3]

1900--Pope Leo XIII decreed that translations of the Bible in the vernacular are permitted only if approved by the Holy See.[4]

1907-1908--In England, there is a provision similar to the one in the United States which makes the mailing of obscene matter illegal. This is an important weapon of the government. Although it has not played nearly so important a part in the suppression of obscenity, Section 16 of the Post Office Act of 1908 provides for preventing the sending of indecent or obscene matter through

1 Craig, pp. 132-3

2 Ibid, p. 134

3 Ibid, p. 52

4 Haight, pp. 5-6

the post, and Section 63 makes the sending of such matter, or an attempt thereat a criminal offence. This section covers packages which contain matter objected to even if sealed and outwardly in order as well as those externally objectionable. The posting of advertisements of obscene matter, not themselves obscene, offends against the statute which resulted from the case of the Crown vs. deMarny in 1907.[1]

Also in 1907, there appeared Elinor Glyn's "Three Weeks." This detailed description of a passional episode in sensual language is said to have been more conspicuous through the controversy it created than any literary merit it possessed.[2]

1908--An example of the way in which the law of obscenity can operate against ideas as distinct from objectionable methods of expressing them is provided by the prosecution by the National Vigilance Association of Hubert Wales's "The Yoke"(John Lang, 1907). Lang, without admitting "obscenity," agreed to stop publication and a destruction order was made.[3] The novel is almost Victorian in its treatment of love scenes, and the story very mild, judged by present-day standards.[4]

1909--To show the importance of the circumstances of publication, Craig presented the later case of "Das Sexualleben unserer Zeit" by Iwan Block,the celebrated Berlin doctor. When the publishers of the English translation were proceeded against under Lord Campbell's Act in 1909, the

1 Craig, p. 102

2 Markun, p. 326

3 "Times," December 15, 1908

4 Craig, p. 122

scientific and bonafide character of the book was not contested, but a police officer had purchased the book for a guinea in the ordinary way without any inquiry being made. Had it been otherwise, the prosecution suggested the proceedings might never have been taken, having regard to the nature of the work. The sale of this book is now restricted to the members of the medical, legal, and scholastic professions.[1]

1911--In 1911, the Roman Index included all love stories and plays by Gabriel D'Annunzio, whose "The Triumph of Death" had been translated from the Italian into English and published in 1898.[2]

1913--Hall Caine's "The Woman Thou Gavest Me" was banned by the circulating libraries. These libraries have always worked hand in glove with the "Purity" societies and by their own definitely organized censorship have been responsible for the suppression of scores of books. Despite the loud protests against this system by such distinguished authors as George Moore, Hardy, Bennett, Wells, Shaw, Sir Oliver Lodge and others, it is still (says Craig) a power to be reckoned with, since the ban of the circulating libraries can seriously ruin even long established authors.[3] The much narrower censorship

1 Craig, p. 166

2 Haight, pp. 59-60

3 Craig, p. 90

exercised by the Public Libraries, the great source of serious reading matter for the bulk of the population, is another great menace. In most cases, no books on sexual subjects (unless perhaps by the most orthodox and old-fashioned writers) are allowed on the shelves. Craig recognizes in this utter injustice since the reading public should be justified in reading as freely as those who can afford to buy books or expensive library subscriptions. Further, anyone has a right to read any book until it has been condemned in open court. Too often Library Committees are composed of persons unable to appreciate the social advantages of free and open discussion; too often they air their views on what is immoral, erotic, or pornographic. Instead, they should devote their efforts to learn the public demand and to satisfy it.

An instance of unobtrusive censorship is to be found in the destruction by the library of a book that has been the subject of a judicial condemnation, the library committee forgetting the circumstances surrounding the publication were an ingredient of the offence.

Surely library officials could issue such a book restrictedly, to members of the learned professions and bona-fide scholars without incurring an offence "proper to be prosecuted,"[1] avoiding letting it fall into the hands of

[1] cf. Lord Campbell's Act, pp. 82-83

those whom the law considers open to the corruption it is designed to prevent.[1] Even the British Museum reading room is not free from the problems of censorship, some of which cover obscenity, blasphemy, betrayal of Masonic secrets, and unseemly truthfulness about royal families. Here, as in so many other great world libraries, some books are considered unsuitable for general circulation on the ground of eroticism.[2]

1915--The system of interfering with the transit of literature between England and other countries, did not spare so eminent an author as D. H. Lawrence. The manuscript of his "Pansies" was opened and detained for some time. The internal censorship was even more cruel to him. On March 13, 1915, Messrs. Methuen and Co. were summoned before Sir John Dickenson at Bow Street and 1011 copies of "The Rainbow," of which they were the publishers, were ordered to be destroyed under Lord Campbell's Act. "Lady Chatterley's Lover," an important work of Lawrence's, was never published in England as it was written. It is something of a national scandal that a bowdlerized edition should have appeared soon after his death with nothing about it to inform

1 cf. Lord Campbell's Act

2 Craig, pp. 93-4

Note: The British Museum Library has a special catalogue recording three classes of books -- subversive of throne, religion and property. It prohibits the use of standard books on hygiene. (Young and Lawrence--p.88)

the reader that the work was in a condition other than that in which it left the author's pen.

"It may be necessary," said Craig, "to emasculate the work of a man of genius, in deference to Mrs. Grundy and British hypocrisy, but to do so with neither concession nor apology is surely adding insults to injury.[1]

In this same year, William Le Queux published in England, a book entitled, "Britain's Deadly Peril," which was suppressed. He charged in the book that censorship was responsible for England's difficulty in recruiting its new army and for combinations of profiteers.[2]

1916--A newspaper was seized in Scotland by the police for printing an account of a conference between the British Prime Minister and Glasgow trade union officials, because the account was not approved by the British censor.[3]

George Moore, who constantly attacked the Victorian Library System, started to write realistic novels in the eighties under the influence of Flaubert and Zola. He continued to shock prudes, even into our own times. After becoming accustomed to hearing himself denounced as indecent, he found himself assailed as blasphemous because of "The Brook Kerith" (1916) and since then he has published mostly limited editions.[4]

1 Craig, p. 31

2 Young and Lawrence, p. 73

3 Ibid, p. 65

4 Markun, p. 322

1918--Two books by Marie C. Stopes came, in 1918, to public attention. On the publication of "Wise Parenthood," with an introduction by Arnold Bennett, there ensued a notorious test case. In the same year, 700,000 copies were sold of "Married Love" by the same author, although the book was banned in Canada and in the United States until the ban was lifted in 1931 by Judge Woolsey.[1] Although not unmindful of possible legal dangers ahead, she has had no complaint about reactionary literary law so far as her work is concerned, for in Great Britain prosecutions resulting from activity like Marie Stopes's have been infrequent. They have always depended on some accessory circumstance and have not been direct attacks on the subject itself. This is probably due to the fact that the Bradlaugh trial of 1877 proved the legality of birth-control propaganda in England.[2]

Craig presents the banning of "Ulysses" by James Joyce as a perfect example of the significance of the law of obscene libel. The legal troubles of "Ulysses" began when it first appeared in serial form in a New York magazine called "The Little Review." In this connection, the court ruled that the publication contravened American law and the defendants were fined $100.

This case made it impossible to copywright the work in the United States. The pirated and bowdlerized editions were issued to meet the heavy demand for this. On the clandestine sales of some 30,000 copies in America and elsewhere, the unfortunate author, who was becoming more and more blind, derived no royalties. In Feb. 1922, Shakespeare and Co. published the complete

[1] Haight, p. 66

[2] Craig, pp. 112-113

work in Paris. Five hundred copies of this edition were burned by the American Post Office and in England,[1] Ireland, and Canada. A similar fate was meted out to 499 copies on the quay of Folkestone Harbour, by the English customs. As a result, it has been impossible to buy copies of this work in England and the law did not permit Sotheby's to sell the corrected proofs in London. However, recently a limited edition has been published by a well-known English publisher. In 1934, Judge Woolsey raised the ban in the United States. "Ulysses" suffered its fate from section 42 of the Customs Consolidation Act, 1876, which forbids the import of certain goods and provides that if they be brought in, they shall be forfeited and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct. The forbidden goods include "indecent or obscene prints, paintings, photographs, books, cards, or other engravings, or any other indecent or obscene articles." The incident usually ends with confiscation when it is necessary to operate against "obscene" literature; but Sections 32-38 of the Act provide for the settlement of disputes in this and other matters arising out of the Act. The aggrieved person may present his case either personally or in writing to one of the commissioners "who shall hear the matter in the presence of the parties, and of any persons interested or desirous of attending," and shall take evidence on oath. The commissioner then reports in a narrative form to the other commissioners, adding his

[1] Ernst and Lindey, "Esquire" July, 1939, p. 49-"The Censor Marches On"

own opinion. This decision has full legal force except the aggrieved person, if still dissatisfied, can proceed by way of information in the High Court, or before a Justice of the Peace.[1]

1923--Legal action was aroused in England in connection with Sherwood Anderson's "Many Marriages" and as a result America laughed.[2]

Craig considers the prosecution of Margaret Sanger's pamphlet in England in 1923 as discreditable. Two people, Guy Aldred and Rose Aldred, were summonsed into court for keeping at their address copies of a certain obscene book for sale and gain, and were called upon to show why such books should not be destroyed. The book was called "Family Limitations," and was written by the American, Margaret Sanger. Although several eminent persons spoke for the defense, it seems that the whole question was based on whether such information as the book contained had been published indiscriminately. The magistrate was of the opinion that publication had been indiscriminate and that therefore he should direct the books to be destroyed, for what had apparently upset authorities most about the pamphlet was a drawing copied from a medical text book. The drawing was ultimately removed and the pamphlet continued to be published throughout the British Empire.[3]

Speaking at the League of Nations conference at Geneva in

1 Craig, pp. 25-26-28-29
2 Haight, p. 69
3 Craig, pp. 110-112

1923. Sir Archibald Watkins made no bones about the delight that he felt in the wide significance of the phrase, "traffic in obscene publication". It delighted him that it had more extensive meaning than merely buying and selling. He bragged that he had at the moment imprisoned two people who had exchanged and lent and dealt with each other in indecencies, photographs, pictures, books, etc. The conference at which he spoke was the revival of the pre-war International Conference for the Suppression of Obscene Publications under the auspices of the League of Nations. The revival of the whole thing had been instigated by Great Britain, and France extended a special invitation to delegates. England sent Sir Archibald as its representative. We find a ridiculous situation in Sir Archibald's inability to define the word "obscene." He pointed out that in English statute law, there is no definition of "indecent" or "obscene." The other delegates unanimously supported Sir Archibald and before the conference proceeded any further, it was resolved that no definition was possible of the matter on which the conference was sitting. The suppression of obscene literature is one of those numerous minor aims of the League of Nations in which, says Craig, it is only too likely to be more successful than in its major aims. In view of our present knowledge of that class of books that can be held to be obscene, its activities, he feels, want careful watching.[1]

1925--Charles Darwin's "On the Origin of Species by Means of

[1] Craig, pp. 58-60

Natural Selection," published in London in 1859, was prohibited in 1925 in Yugoslavia and was disapproved of in Tennessee, (U.S.A.).[1]

Peter Wright's notorious "Portraits and Criticisms" had all London humming shortly after its appearance in 1925 over the assertion that the great Liberal Prime Minister Gladstone, though hypocritically professing the highest principles, was actually a man of dubious morality. Within a week, all London's journals printed indignant notes denying the assertion and the dead leader's sons were swift to challenge the slander of their father's memory in the most pugnacious and practical fashion possible. Even the daughter of Lord Salisbury, Gladstone's bitterest political antagonist, wrote a public letter, testifying to her father's cordial admiration of his opponent's personal character, and the publishers of the offending volume hastened to explain the objectionable passage had not appeared in the original manuscript but had been added by the author in the proofs, thus escaping their scrutiny. It would also have escaped Lord Gladstone's attention but for a kind friend's sending him a copy and then his being spurred on by a chance remark at a dinner. Then, he said, when he did act, it was with the biggest stick he could lay his hands on. It became finally apparent that the author had no intention of taking up the challenge of the Gladstone family. This was the

[1] Haight, p. 70

offending passage:

> "His fastidious spirit (Lord Salisbury's) was still further repelled by Liberalism, either in its members, who worshipped God and Mammon with equal zeal assigning to Mammon the inward service and leaving God to content himself with the outward professions; or in its leader, Mr. Gladstone, who founded the great tradition since observed by many of his followers and successors with such pious fidelity, in public to speak the language of the highest and strictest principle, and in private to pursue and possess every sort of woman."

English law keeps in mind the old admonition, "Nihil nisi bonum de mortuis," and so it recognizes no such thing as libel of the dead. It was therefore impossible for Gladstone's two surviving sons to sue Captain Wright, so they took the next best step by forcing the Captain to sue them, thus forcing his hand to bring the whole matter out into the open, into court where testimony could be heard and their father's memory cleared. They first made sure by consulting high legal authority that they were affording ample provocation for a libel action against themselves, then publicly insulted Captain Wright by writing him a letter in which they called him a liar, coward, and fool for publishing inventions. Since British law holds that a libel must be published, they made a point of sending their letter to "The Nation" and to Captain Wright's publishers. To force Wright into the open, they published a legal opinion that their letter was "clearly actionable"--a rather odd assertion for solicitors to desire to make public. Lastly, they invited him in so many words, to appear in court for the public to take its own judgment if he took the honorable

course of action against them.

Wright declined to do this. Challenged to prove his assertion, he fell back on a casual remark Lord Milner had once made that Gladstone was "governed by his seraglio," meaning that he was very much under the control of the loving women who surrounded him with great solicitude. Milner, says "The Living Age" (from which this account is taken), meant to imply their anxiety regarding his health might very well range them on the side of those who thought the old man unwise to continue to put himself to the terrible strain of the premiership, and that probably their advice would be on the side of those who wanted him to retire. The real source of the story is probably the personal share which Gladstone took in the efforts to reclaim and reform fallen women,--to him a great religious interest and in pursuit of which he often exposed himself to slander and misunderstanding, well-knowing it would be so. Once in 1853, Gladstone was blackmailed while talking to one of his fallen creatures; he gave the blackmailer into custody, but later, characteristically, had his sentence curtailed.[1]

I have given this case in full because it explains perfectly the exact procedure for libel cases to follow. It might well be called the perfect libel crime, since the Gladstones were bent on being accused of libel in order to

1 "Living Age" Vol. 326, September 12, 1925, pp. 595-6
"Posthumous Morals: The Gladstone Dispute" in editorial section, "Life, Letters, and the Arts."

bring up another one in court. I might also say that it is the usual, accepted procedure followed in such instances. 1926--Where obscenity is involved there is an exception to the openness and fair dispensation that usually characterize British justice. Ordinarily anyone can get a newspaper or a law report and read the proceedings of a particular trial, but it is no defense to the charge of publishing an obscene libel that the matter complained of is a fair and accurate report of judicial proceedings or of a public meeting. We have already seen how a report of Hicklin's case in 1868 was condemned as obscene. This denial of the right to publish an obscene libel in the form of a report of judicial proceedings or of a public meeting is a common law doctrine and it has been expressly incorporated into the Law of Libel Amendment Act of 1888 and the Judicial Proceedings Act of 1926. This keeps the man in the street unaware of complete details. He must accept the findings of the bench or the jury in the dark, since no adequate reporting of obscene libel cases is allowed. Nor is his presence at the trial sufficient to let him in on things, for the passages complained of are handed round to the witnesses to read, and not actually voiced, since to publish them in any way would be to invite prosecution.[1]

Frank Harris told about his life in the manner of Casanova. His book reached many English and American readers although it wasn't printed in an English-speaking country.[2] Craig uses it as an example of how the postal authorities cooperate

[1] Craig, pp. 124-6

[2] Markun, p. 325

in the task of shielding the British citizen from contagion; and correspondence to and from abroad is opened. A friend of his ordered a copy of Frank Harris's "My Life and Loves," soon after its publication in Paris in 1926, from a reputable bookseller in the Charing Cross Road. The firm duly obtained him a copy by writing to the foreign traveller of one of the best-known English publishing houses, who was then in Paris. Shortly afterwards the bookseller rang up to say that the police had called on him and demanded that the book should be handed over. Craig's friend was only too willing to defend and sustain his purchase but the bookseller represented so forcibly his apprehensions of the consequences to himself in trouble and reputation if he was unable to comply that he voluntarily let him have the book back. The work was unsuccessfully prosecuted in Paris and the New York Police seized copies of it. It is interesting that in his biography of Bernard Shaw, 1931, Harris tells how a copy was burnt in the Shaw household because Mrs. Shaw preferred not to have it lying about the house for the scrutiny of her servants, and Shaw didn't scruple to inform Harris of the fact to the latter's pain and indignation, surely (says Craig) curious conduct for one who has himself spoken so strongly against stage censorship.[1]

1927--"Le Livre des Mille Nuits et une Nuit," which had been translated by the French scholar Mardrus, got out of England

[1] Craig, p. 30-1

all right but 500 sets were held up by the United States customs.[1]

1928--The prosecution of Jonathan Cape, Ltd., under Lord Campbell's Act, before Sir Chartres Biron at Bow Street on November 9, 1928, in respect of Radclyffe Hall's novel, "The Well of Loneliness," was of considerable interest both from the legal and literary point of view.

The legal interest centres around the fact that it was held that in these cases expert evidence on the issue of obscenity is not advisable. The prosecutions followed an attack on the book by James Douglas in "The Sunday Express" for August 19, 1928, in which he declared that he would rather put a phial of prussic acid in the hands of a healthy girl or boy than the book in question. The case for the prosecution, presented by Mr. Eustace Fulton, was that the theme of the book (female homosexuality) was obscene and that "a person who chose an obscene theme could not but write an obscene book." This contention was not accepted by the Magistrate but the case continued.

The Magistrate said he was not quite clear that the evidence was not admissible. A book might be a fine piece of literature and obscene.

Mr. Birkett, who appeared for the publisher, said: "If I am not allowed to call the evidence, it means that a magistrate is virtually a censor of literature."

The book was condemned on November 16. It was obvious

[1] Haight, p. 77

the shade of Cockburn still walked abroad, and literature had sustained a great loss. The "Manchester Guardian" of November 22, contained a letter of protest signed by a number of distinguished authors, including Bernard Shaw, Eden Phillpotts, Lawrence Housman, Rose Macaulay, Edward Garnett, Lascelles Abercrombie John Buchan, Arnold Bennett, Lytton Strachey, Sheila Kaye Smith, and Lawrence Binyon. The book has since been translated into several languages and reissued in America without expurgation.[1]

1928--While D'Annunzio lived enshrined by the Lake of Garda as Italy's beloved patriot and poet, the Index further prohibited his poetry and mystery plays. It will be recalled that his "Triumph of Death," translated into English in 1898, had been placed among all his love stories and plays upon the Index in 1911.[2]

1929--D. H. Lawrence's "The Rainbow," which had freely circulated in America, was banned in England, while his "Women in Love" was not objected to.[3]

D. H. Lawrence is probably the English writer who has made the largest and most important use of Freudian symbolism in fiction. It is true that his power and his "immorality" are not dependent upon any particular psychological system, and that his books would, without much doubt, be essentially the same even if he had never heard of psychoanalysis. Lawrence makes us feel rather than think. Few writers have gone beyond

1 Craig, p. 36-40

2 Haight, pp. 59-60

3 Ibid. p. 68

him in the ability to involve intense sensual responses. Attempts to suppress one or two of his books have given him a great deal of advertising and added to the circle of his readers. It has been remarked:

> "Ironically enough, it was the vain effort of a self-appointed censor to suppress 'The Rainbow' that first called to the attention of the general public the enduring qualities of the book."[1]

It seems that the introduction of "rude words" was the principal reason for the prosecution under Lord Campbell's Act of Norah James's "The Sleeveless Errand." The publishers, the Scholartis Press, defended the book but it was condemned by Sir Rollo Graham Campbell at Bow Street on March 4, 1939. The late Sir Percival Clarke, for the prosecution, took particular exception to one of the characters in the novel saying: "For Christ's sake, give me a drink."

Desmond MacCarthy (in "Life and Letters" for May, 1939) says of this book,

> "In my own opinion it was a novel which every youth and girl tempted to join a tippling, promiscuous set such as the author describes might well read with profit; I know several sensible parents who have borrowed it to lend to their children."[2]

Conan Doyle's "Adventures of Sherlock Holmes" caused no particular furore at home, but was banned in Russia because of occultism and spiritualism.[3]

When the first Labor Government came into office, it was confidently expected that the Blasphemy Act would be removed

[1] Markun, p. 328

[2] Craig, p. 162

[3] Haight, p. 72

from the Statute Book. So, in November, 1939 a bill was-introduced in the House of Commons providing that no criminal proceedings should be instituted in any court for schism, heresy, blasphemy, blasphemous libel or atheism. But the bill was withdrawn by Mr. Thurtle in view of the Solicitor-General's announcement that the government would insist on an amending clause making it an offence to publish scurrilous matter outraging religious convictions. Mr. Thurtle pointed out that, while at present it was possible to argue before the courts that a blasphemy charge was a seventeenth century survival which had no modern force behind it, the proposed clause would lead to an extension of the existing law, rather than a modernization of it.[1]

In assessing the effects of the law, Craig does not neglect modifications made prior to publication against the author's better judgment. He offers Richard Aldington's prefatory note to his powerful delineation of the tragedy of the great War--"Death of a Hero"--as illuminating and suggestive of his own sympathies.

"This novel in print differs in some particulars from the same book in manuscript. To my astonishment, my publishers informed me that certain words, phrases, sentences, and even passages, are at present taboo in England. But I am bound to accept the opinion of those who are better acquainted with popular feelings than I am. At my request, the publishers are removing what they believe would be considered objectionable

[1] Craig, pp. 171, 2
Causton and Young: "Keeping It Dark, or the Censor's Handbook" p. 24

and are placing asterisks to show where omissions have been made. If anything 'objectionable' remains, the responsibility is, of course, mine. In my opinion it is better for the book to appear mutilated than for me to say what I don't believe."

On another occasion, Aldington wrote:

> "Each of my novels has been more or less mutilated in the interests of prudery of my English publishers. I don't in the least blame them, they are only doing what I should do in their position, i.e. trying to guard themselves against the working of a law which is vaguely worded and capriciously administered. Recently the United States have permitted authors much more liberty. For which reason I shall henceforth issue the complete text of my books first in America and with 'indifference' allow the English to make what cuts their absurd prejudices demand."

Most of his past novels are now complete in the American text.[1]

Joyce's "Ulysses," of which 499 copies had been burned by Customs authorities at Folkstone, was banned in England in 1929.[2]

1930--In this year the last edition of the Roman Index appeared. It still contained the names of many English authors represented in earlier indexes. For instance, John Milton's "State Papers" still appear. Gibbon's "Decline and Fall" appears also although it is used in many Catholic colleges, and again Goldsmith's "An Abridged History of England from the Invasion of Julius Caesar to the Death of George II."[3]

1931--"A Case for India" by Will Durant was banned in England in 1931 with many other pro-Gandhi books, on the recommendation

[1] Craig, p. 45

[2] Haight, p. 67

[3] Haight, pp. 24, 25, 38, 43

of the British viceroy.[1]

Lewis Carroll's "Alice's adventures in Wonderland" was banned in China by the governor of Hunan Province, on the ground that "animals should not use human language and that it was disastrous to put animals and human beings on the same level." However, when the book was published in London in 1866, it involved no censorship.[2]

In this year, the ban was lifted from the unexpurgated translation from the Arabic of the "Arabian Knights" by Sir Richard Burton, but the prohibition was maintained on the Mardus-Mather edition. Although Haight does not say whether this was in England or in the United States, I suspect that she means in the United States.[3]

The Scholartis Press, which had published "The Sleeveless Errand" in 1929, deemed it prudent to publish privately a reprint of the 1796 edition of Francis Grose's "A Classical Dictionary of the Vulgar Tongue," edited and annotated by Eric Partridge. The book now issues from the Oxford University Press. It is interesting to note that vocabulary is largely a question of fashion. For instance, in the Geneva Bible of 1560 (called the "Breeches Bible" because of its use of the word "breeches" at Gen. III. 7), I Cor. VI. 9 concludes with a word now regarded as very obscene.[4]

1932--The Bristol police seized a novel by Gervée Baronte called "Dying Flame" after it had been published for five years. The

1 Ibid, p. 76

2 Ibid, p. 75

3 Ibid, p. 77

4 Craig, p. 162

application for destruction was only withdrawn when the defendants, two book-selling firms, agreed to withdraw the book from circulation. No admission of obscenity was made. The author heard nothing of the matter until a firm refused to handle a new book of hers on the ground that "Dying Flame" had been banned.[1]

The case of the poet, Count Potocki of Montalk, shows us how little is involved in "publication" in the legal sense, of an obscene publication. According to the Cockburn standard, communication to one person is quite enough if the matter be obscene. The poet, Count Potocki, illustrated this when he took a vernacular translation of Rabelais's "Chanson de la Braguette" another from "Verlaine," and some original lines in the same vein to a printer to have copies made for circulation to his friends. When he had gone, the printer rang up the police and complained that the poems were obscene. Potocki was arrested, convicted by a jury of publishing an obscene libel and sentenced to six months' imprisonment, in 1932. The court of criminal appeal, four weeks later, upheld these proceedings, and the poet was duly sentenced. Although Montalk appealed that it is a good defense to the charge that publication of matter prima facie obscene was for the public good as being necessary or advantageous to religion, science, literature, or art, provided that the manner and extent of publication does not exceed what the public good requires, he did not gain his points because this view has not been judicially accepted in England, and it was decided that the defendant had attempted to deprave our

[1] Ibid, p. 136

literature.[1]

1934--Under Lord Campbell's Act, translations of three novels by Pierre Louys were condemned ("Chansons de Bilitis," "Aphrodite," "Les Aventures du Roi Pausole") and of a rendering by Louys of Lucian's "Dialogui Meretrecii". Other books condemned at the same trial were Huysmans' "Là-bas" and that part of the "Memoirs of Brantôme" (a French nobleman who accompanied Mary, Queen of Scots, from France to Holyrood in 1562), called "Les Vies des Dames Galantes".[2]

Nor were the classics spared. Translations of the "Satyricon" of Petronius and of the Twelfth book of the Greek Anthology were ordered to be destroyed. The proceedings were against two publishing houses at the Westminster Police Court, where the magistrate said that what he had to consider was not whether a work was of literary or other merit, but whether it was so obscene that the publication of it would amount to a misdemeanor. Although he was willing to admit that a classical author might lapse into obscenity, he refused to admit expert evidence to show that the authors were either persons of importance, or classical authors in their own country. As a matter of fact, "The Times" carried out a similar plight by ignoring both the authors' names and the titles of the books condemned in its account of the trial. In executing laws issued under Lord Campbell's Act, the police are allowed to take obscene matter other than that specified. In this particular case, they seized a copy of Lawrence's "Pornography and Obscenity" as well as a Bible.

1 Craig, pp. 55-57
2 Ibid, pp. 49-50

The offence against the former was the inclusion of a single word. Neither book was openly proceeded against and the prosecution against the translation of Plato's "Symposium" was not pressed although the plates were ordered to be removed from this and other books. This case dragged on until the following spring (1935), typical of the law's characteristic delays. Such a case is frequently tried only after the drunks and normal charges of the day have been disposed of, and then an adjournment is made until the next session when a similar situation occurs.

A young author who could ill afford the money spent thirty guineas on a watching brief in this case, in a vain attempt to save his first novel. The book, "No Place For The Young," contains, says Craig, some fairly frank descriptions of the sexual life of Suburbia, but they form a small part of the whole book and are quite subsidiary to the main theme, which is a spirited expression of youthful indignation against the humbug and stupidity of those who sent the War generation to the shambles. Two other novels were condemned, "Magnificence" by Terence Greenidge and "Little Victims" by Richard Rumbold, the one, an almost Victorian novel except for an excess of abnormal sentimentality and the other, a tale concerned with the education of boys, which had attracted considerable attention in the press. Reprints of the poem called "Don Leon," attributed probably falsely to Byron, and Greenidge's "Brass and Paint" were also ordered to be destroyed.

An imported book, "Sane Sex Life and Sex Living," by H. W. Long, the Magistrate felt had gone too deeply into matters fit

more for experience than publication and showed an utter lack of discrimination in the manner in which it had been brought to the attention of the public. Because of this type of advertisement, he condemned it. There were also two translations by Montague Summers of books dealing with witchcraft which were condemned, despite the fact that the translator was an authority on witchcraft and the book of great value to the anthropologist.

Last, in this long list, was a manual in sex instruction by Nefzouri, a Tunisian sheik of the sixteenth century, although the book was a bowdlerised translation. This book had been fully translated into English via French and published privately by the Kama Shastra Society in 1886 but has never been available to the general public.[1]

A case similar to the Montalk one occurred in 1934. A young poet, Waldo Sabine, had a long poem privately printed but he advertised it to the public by postal circulars. The work, entitled "Guido And The Girls," was a long poem in Spenserian stanzas, describing the struggle of Aphrodite Ouranios and Aphrodite Pandemos in the experience of a hero and indulging in a good deal of rather Chaucerian abuse of priests and lawyers. Generally, the press treated his work favorably although "The Times" administered a gentle rebuke for coarseness. Encouraged, says Craig, by some measure of success, he became longer and bolder and added a distinguished English peer (in very thin disguise) to his gallery of rogues. It was then that the authorities decided to suppress the book, and he was charged with

[1] Ibid, pp. 48-53

publishing an obscene libel. Through some misunderstanding, the case went to Assizes instead of being disposed of in the police court. Although the poet was not guilty of turpitude, he was perhaps of folly. At any rate, there was imposed on him a fine of 500 pounds.[1]

After two reprints of James Hanley's "Boy," originally published in 1931, a cheap edition of the book appeared in 1934. Six months later in the same year, the police of Bury seized copies of the book from a local branch of a Manchester library, and stated that the library would be proceeded against, the publishers being legally advised that the action was a purely local one and that the authority would probably be content with an undertaking from the library that the book would be withdrawn. 1935--However, in January, 1935, without the slightest warning, summonses were served on the directors of the publishing firm in London, charging them with aiding and abetting the publication of an obscene libel. At the same time they were informed that the proprietor of the library had also been summonsed as principal and that he had decided to plead guilty. The book was withdrawn from circulation and when the case came on in the Magistrate's court in Bury, all the defendants were committed on bail for the Manchester ssizes without the publisher's plea being heard. Despite the fact that the book had been on sale

[1] Ibid, pp. 67, 68

for three and one half years without complaint and that it had been reserved for a Bury police sergeant to discover what no one else had found out during all that period, the publishers were legally advised to plead guilty, it being thought that a Manchester jury would feel obliged to vindicate at least local honor. Accordingly a plea of guilty was filed and then the case was adjourned in order to give the judge a chance to read the book. Following this, the prosecution further arraigned the company directly as a principle for publishing an obscene libel. In view of the plea to the count of aiding and abetting and the fact that the case was to be heard almost any day, the company was advised that they had no alternative but to plead guilty to this count also. Each director was fined fifty pounds and the company 250 pounds. And the Justice remarked, "It is not for me to discuss the question as to whether there has been an obscene libel or not, but I have my own strong and personal views about it." Speaking in June of the same year at the International Congress of Authors in Paris, E. M. Forster, commenting on the case, referred to the novel as one of much literary merit which had gone through four editions before it had attracted the wrath of the authorities. "It was a book," he said, "which had been discussed, praised, blamed, and generally accepted as a serious and painful piece of work whose moral (if it had any) was definitely on the side of chastity and of virtue." It had considerable contemporary backing including no less a

person than Colonel Lawrence whom at the moment respectable society was canonizing. Forster pleaded for greater freedom for writers both as creators and critics, since in England, especially, their creative work is hampered because they can't write freely about sex, a subject for serious and also comic treatment.[1]

A circular advertising "The Encyclopedia of Sexual Knowledge" edited by Norman Haire was the subject of a successful obscenity prosecution,[2] under section 63 of the Post Office Act of 1908, although the work itself has never been attacked. In giving his decision, the justice said that so far as he knew, the book itself might be a scientific work but the pamphlet was evidently to increase the sale of the book by attracting the attention of members of the public whose interest in the subject was very far from being scientific. This, of course, would have been breaking the law laid down in the Indecent Advertisements Act of 1889. Mr. Haire, the editor of the book, disclaimed all responsibilities for the circular, in a later issue of the British Medical[2] Journal. A novel, somewhat similar to James Hanley's "Boy," "Bessie Cotter" by Wallace Smith, was published in January, 1935 by Heinemann, an old firm of the highest repute, and its publishers were prosecuted at Bow Street on April 10, for publishing an obscene libel, after 6,000 copies had been sold. There is nothing particular to distinguish the book from many others of the same type except that perhaps it has been highly praised as literature

1 Ibid, pp. 135-8
2 Ibid, pp. 166

which had escaped prosecution except one page on which two waiters clearing up in the early morning used the sort of words which most waiters do, in fact, use. The magistrate imposed a fine of 100 pounds and berated the liberty and license used in the choice of such an unsavoury subject.[1]

Although the process of pricing certain books at a much higher figure than would be fixed by commercial consideration be comes also a form of restricted publication and one which appears to entail a degree of immunity from prosecution, the high price of one guinea did not save Edward Charles's book "The Sexual Impulse"[2]. Until lately, it seems that serious scientific and educational work had been escaping prosectuion. Although Ellis's "Studies" had been condemmed in 1898, the incident seems to have been conveniently forgotten even by the police, and the work since then has been readily obtainable in England, being recently republished without expurgation or restriction of any kind. However, the idea that scientific and educational works of non-fiction were becoming immune from prosecution became severely shaken in 1935 by the condemnation of Edward Charles's book, proving that the idea was no longer tenable. Craig, who freely gives his personal reactions to many of these cases which he reports, speaks here with diffidence but calls the addition of this work to England's hidden literature an event of first-rate importance. Sixteen expert witnesses testified to the claim that the book was a scientific and educational

1 Ibid, pp. 138-9

2 Ibid, p. 167

work. Other people, disagreeing with Charles's scientific views, felt it was not a matter of prejudices but one that had to do with freedom of publication. Michael Fielding wrote strongly on that aspect of the case,[1] feeling his own opinion was worthless if Charles was denied the right to proclaim his.

When it was brought out by witnesses that the book was not a novel, but a contribution to the study of a subject which the human race had a right to study as well as any other, and that the ordinary person would not be able to understand one-tenth of the words used in many passages or in the glossary, the attorney for the defence contended that on these facts the book could not come within the accepted legal test of obscenity, i.e.

> "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands such a publication may fall,"

which had been originally brought out in the case against Hicklin back in 1868.

The magistrate (Mr. A. Ronald Powell) said that although times had changed, and discussion and information were sought after and books were published to satisfy that demand, the question for him still was: "Was it an obscene book?" Once one took the view, as he did, from the legal standpoint, that books of this kind can and may be written, then, so long as a book on this subject was written in simple language, sincerely, soberly, and straightforwardly, it deserved to be treated and respected as of scientific and educational value. Once the style became flippant, coarse, or salacious, or the book tended to the encouragement of practices which were indecent, immoral or

[1] cf. Eugenics Review for October, 1935, p. 243

vicious, according to generally accepted opinion, it became obscene. He felt the book did tend to encourage practices that would lead to indecency, if they were not indecent in themselves. The whole object seemed to be not to educate opinion but to shock the opinion of those yet to be educated. The whole book had to go. No doubt it could be published but it would have to be rewritten. The appendices were unexceptionable.

He ordered the book to be destroyed. Mr. Morris, one of the directors of Boriswood, Limited, and a salesman, were bound over for twelve months, and the firm was fined fifty pounds with twenty guineas costs.

An appeal by the publishers brought about a complete retrial of the case, at which more of the sixteen expert witnesses who appeared at both trials appeared. The case was adjourned and the chairman announced that the Bench had decided to dismiss the appeal and that it was not necessary to discuss in public the reasons that had led them to that decision. The binding over of the salesman was quashed as, although he had brought himself within the law, he did not know the contents of the book.[1]

Taking a wider view of the whole subject, Craig points out that there is no need to quarrel with the legal decisions that have been made in cases against allegedly obscene books. He says that Lord Cockburn's definition of obscenity, which is

[1] Craig, Chapter II, pp. 61-77, "The Sexual Impulse" case.

the criterion accepted by the courts, is so wide that almost any writing about sex might reasonably be held to come within it. Of what book about sexual matters can it with certainty be said that it has no tendency "to deprave and corrupt those whose minds are open to such immoral influences"? And what sort of publication is there that may not fall into the hands of such persons?[1]

He views the state of affairs against its background of social history, and connects the awakening of interest in the matter of obscenity on the part of the privileged classes and the law courts with the growing literacy of the people, an interest which accelerated in the nineteenth century until the Cockburn judgment in 1868 beat the Compulsory Education Act of 1870 by a short nose. The restrictive tendency got considerable moral support from Methodism, which spread so rapidly among the submerged classes in the eighteenth century. An oppressed populace (and this one was oppressed by a sexually licentious governing class) is always a good breeding ground for Puritanism. The Puritanism of the eighteenth century became more formidable in the nineteenth. The children of the Industrial Revolution, whom it raised to varying degrees of wealth and power, carried the cultural marks of their origin with them; their middle-class Puritanism spread its influence over England like a damp and suffocating blanket. Amid all their fine talk about liberty

[1] Ibid, pp. 78-9

and freedom of speech, they consistently supported legal infringements on the free circulation of ideas in regard to sexual matters. Educational changes did not help the situation; for while a sane attitude of sex was aided by a knowledge of classical literature, the decline of classical education has had the unfortunate result that ignorance prevails about sexual matters among those (judges, magistrates, lawyers, Home Secretaries, and Police Commissioners) who seek to protect the masses.

Voluntary organizations were formed to organize puritanical opinion, one of their chief functions being to promote the enforcement of the law of obscenity in regard to books. The Society for the Suppression of Vice was organized in 1802, the Duke of Argyll's Society for the Encouragement of Pure Literature flourished in the sixties, and the National Vigilance Association has carried on the work since 1885.[1]

The modern counterpart of the nineteenth century "purity" society is the Public Morality Council. In a letter to "The Times" for December 6, 1935, the Bishop of London, Lord Mamhead, and a Mr. Thomas Ogden, made a public appeal for friends to finance this body. They stated that the Council estimated to spend 3,000 pounds during 1936 on what they described as its "delicate task." This was stated to include "the suppression of indecent publications," "the closing of disorderly houses and night clubs" and "the prevention of improper conduct in London's open spaces." The Council, the public also learnt, had been encouraged by receiving expressions of appreciation

[1] Ibid, pp. 80-83

from several Home Secretaries, local governing and licensing authorities, and police magistrates.

The Bishop of London is President and Chairman of the Council and the other two signatories to the letter are its honorary treasurers. The Vice-Presidents include the Bishop of Southwark, most of the suffragan bishops of the London district, the leaders of the Salvation Army, and Lord Dickinson. Besides the President, the Executive Committee includes Commissioner Adelaide Cox and the Dowager Lady Nunburnholme. A handbill issued by the Council advertises the fact that in June, 1934, the Queen was graciously pleased to accept a report of the work of the Council with an expression of great interest and approval. The printed reports of the Council are marked "Private," but the body appears to be of sufficient importance to make its activities a matter of public interest. When these activities figure in the news, they are generally treated as humorous items and undoubtedly some of them, such as the Bishop of London's campaign against semi-nudity on the stage, properly fall into that category.

To begin with "the suppression of indecent publications," "The Sexual Impulse" prosecution has made it abundantly clear that the operation of the law of obscene publication is not confined to "feelthy postcards" and "dirty books" but that even today it may be invoked, and successfully invoked, against a work which an array of eminent witnesses is prepared to testify to be of considerable scientific, educational, and

social value. The Council's activities in this respect may therefore have a bearing on that free circulation of ideas which is the very life-blood of an intellectually healthy society. "The Star" of March 29, 1934 reports an address by the Bishop of London in which he boasted twenty-two books sent to the Home Office by the council. In the same year the Council was associated with two deputations to the Home Secretary on this subject, the first led by the Bishop of London and the second composed of members of Parliament in sympathy with the Council was also formed. Special attention was given to the sale of the cheaper publications to which exception was taken. The Council attributes to these steps what it regards as an improvement in the attitude of the authorities and records a considerable number of prosecutions. The Council regards the Irish Free State censorship without disfavour and has circulated to interested members of Parliament an outline of Italian law and regulation regarding publications.[1]

The Public Morality Council is obviously a well-organized and highly influential body working on lines which may well set back the clock of progress. In either case, it is a power to be reckoned if not conjured with, when one considers that it can spend annually 3000 pounds to organize members of Parliament to further its views. Public opinion in the main regards this Council as a harmless and slightly humorous set of busy-bodies. There is, however, a suggestion of reactionary efficiency about some aspects of their work, and even a flavour

[1] Ibid, pp. 83-85

of Fascism, which should give lovers of liberty reason to pause. At any rate, it is a valuable example of the type of mentality from which the law of obscene libel draws its moral support, and it is clear that the forces supporting that law and hoping to extend its effectiveness are by no means negligible.[1] Provisions against "obscenity" are easily slipped into statutes because the average person supposes that they concern "dirty books and feelthy postcards," and has no idea that reputable literature and the principles of freedom of thought and expression may be involved. Soon after the war, a provision was introduced into a Government Bill which would have extended police rights of search and seizure of "obscene" matter where no question of sale or distribution was involved. Had it been passed, no one's library would have been safe, but happily the provision was deleted. The fact that it was put forward is indicative of the mind of authority on these questions.[2]

The way in which the power of the customs authorities is used is illustrated by the following example. A novel entitled "The Tropic of Cancer" by Henry Millar, an American, was favourably reviewed in the "London Mercury" for December, 1935 and the "New Statesman" and "Nation" for January 4, 1936. A book collector informs Craig that on the strength of these notices, he ordered the work from his usual bookseller, a reputable West End firm. In due course, the shop was visited by a Detective Inspector,

1 Ibid, p. 89

2 Ibid, p. 103

who asked why they were importing indecent books, and told them that "The Tropic of Cancer" had been stopped by the customs. The book collector had a very amusing interview with a very friendly official, who graciously intimated that no further action would be taken, but he was not allowed to have the book.[1]

A defendant in a literary obscenity case hardly knows which to prefer, trial by jury or summary disposal by a magistrate's court. If the proceedings aim at the destruction of the book under Lord Campbell's Act, he has no choice; the Act provides for summary disposal only. But if he himself is accused of obscene publication, he can insist on a trial by jury with the possibility of more serious penalties than a magistrate could inflict in the event of conviction.[2]

An even greater difficulty than a hazardous choice between jury or no jury attends the author or publisher involved in obscenity cases--neither may be parties to the proceedings at all. Indeed an author is rarely proceeded against. Consequently the fate of his book largely rests upon the vigour and efficiency of the defence his publisher may put up. But the publisher himself may be in the hands of some third party.

"The Sexual Impulse" had been condemned under Lord Campbell's Act even before any charges were made against Boriswood, Ltd., its publishers. In April, 1935, the police seized a hundred odd

1 Ibid, pp. 29-30

2 Ibid, p. 123

different books from a London bookseller. The Magistrate sorted them out, condemning some and releasing others. Boriswood, Ltd. received no official communication and they continued publishing until July, when court proceedings were taken against them.

1936--Certain statements about Jews, alleged to be criminal and subsequently found to be so, appeared plainly in the newspapers[1]. To a certain extent, this must have continued the evil the law was engaged in putting a stop to, but the advantage of open and comprehensible justice (says Craig) is considered to be an overriding consideration in such cases; yet this does not apply to obscenity cases where the passages must be handed round to witnesses.[2]

1939--The British newspaperman, George Eric Rowe Gedye lost his job with "The London Telegraph" for criticizing Neville Chamberlain in his book, "Fallen Bastions."[3] And yet, commenting on the freedom of expression allowed the newswriters in England, the "New York Times" of October 28, 1940, said that the British have kept the right of criticism unimpaired. The papers can denounce conditions in the air-raid shelters, can complain about slack production, can call for the dismissal of ministers, and even of Mr. Churchill himself if they choose--and the censor lets it pass. As long as such freedom continues,

[1] cf. The Times, Sept. 19, 1936

[2] Craig, pp. 126-7

[3] Time Magazine, September 23, 1940, Foreign News Section, p. 34

"The Times" feels no need to worry over what the British censor hides (this reference being to the current war).[1]

In view of the present state of affairs in regard to the law of obscene libel, it remains to consider what degree of reform might be sought. Craig finds there are five significant stages in the possible attitudes of the law in this matter. In ascending order of severity, they are as follows:

1. No law regarding obscene publication.
   This we may call the early eighteenth century position.

2. Pornography only forbidden.
   This we may call the Campbell or pre-Cockburn position (favored by Virginia Woolf).

3. Bonafide expression of opinion couched in restrained language only allowed.
   This we may call the Stephen position for he clearly indicates that in his view the law should go no farther than this.

4. All writings on sexual matters which may cause harm forbidden.
   This we may call the Cockburn position.

5. All writing on sexual matters which tends to "immorality" forbidden
   This we may call the Bradlaugh trial position.[2]

The Campbell standard (#2 above) is the minimum that could be demanded in the way of reform, possibly effected by restricted publication, legislation, or legal appeal. The first has too many drawbacks; the second has prospects that are not too bright, since any legislation would be in the nature of a compromise; the third one, appeal to the House of Lords with a view to overriding the Cockburn judgment, is attractive since it has

[1] "New York Times", p. 16, October 28, 1940

[2] Craig, pp. 150,151

chances of success, but its failure might invite an adverse judgment more reactionary than the present state of affairs. Summing up all this, Craig closes his book with the slogan, "Back to Campbell and More Sex Education," suggesting its message as the only solution to present difficulties.

This chronological survey brings our study of the censorship of the press (a term which includes books, pamphlets or newspapers) up to the present time. It has been a study of the forces which subjected literary work to the examination of authorities at times civil, occasionally military, or (in the earlier period) ecclesiastical.

CENSORSHIP OF THE DRAMA

MASTER OF REVELS AS DRAMATIC CENSOR

Although some people consider censorship of the drama as beginning with the Theatres' Act, under Walpole, in 1737, it is actually more far-reaching than that, as it goes at least as far back as 1544 when Henry VIII appointed a Master of Revels. The earliest date that suggests any kind of dramatic censorship is the year 1329, which, according to Frank Fowell and Frank Palmer, whose work on the subject is my chief source for this chapter,[1] is the date of an early proclamation on Edward III's departure for France in 1329. This was later to be revived as a weapon against dramatists who became too personal in their writing. It read:

> "We do also forbid that any person, denizen or foreign, be so bold as to menace, malign, or slander the great men of the land, or any other person, or to carry lies of bad news among the people, by reason thereof damage may arise in the city."

Although this blanket proclamation may not have been intended especially for the dramatists, it is obvious that they might be included within its scope and as years went on, they were. In their first chapter, which treats mainly of origins, Fowell and Palmer show, as in the case of many of the great State posts, that of dramatic censor is also of slender origin. Very frequently such positions had their birth in a

[1] Fowell, Frank and Palmer, Frank: "Censorship in England," pp. 17-18

little power granted for some special occasion, to a favorite retainer. Generally such posts were sinecures with ceremonial rather than useful function. But the people who held them were sufficiently ambitious and enterprising to make the most of them. The first change was generally to secure increasing frequency and duration of their brief period in office so that gradually the post became a permanent and a salaried one. Then, in course of time, some indulgent sovereign swayed by sentiments of gratitude, or more frequently love, would post-prandially be induced to give the office a legal standing and grant a patent. The following developments were generally swift. The usual steps involved the same eagerness for prestige, the same overweening rapacity, the same sly aggressions with the object of widening the area of jurisdiction. Instead (say Fowell and Palmer) of the post remaining one of the royal household, it was quietly extended to London, and, if no vigorous opposition was met, in time to the country at large. Fees, rents, and commissions were increased, and every device which greed could suggest and audacity execute was made use of to inflate the power of the office and extend its scope. They find the history of the office of dramatic censor is no exception to the rule, and it has become unique in the extent of the power it wields, since the censor can, if he choses, destroy the product of another man's labor and besmirch a reputation without the victim's having claim to defense or appeal. It is among those men who catered to the pleasures of the early sovereigns that

they (Fowell and Palmer) find the first thread-like roots of modern censorship. They trace them to two offices, that of the Master of Revels (the real stage censor of early times) and the Lord of Misrule. It is thought that the office of Master of Revels may possibly have become the permanent form given to the ephemeral and irresponsible powers held by the Lords of Misrule, who figured so prominently in the Christmas festivities of mediaeval times, since we know that there was generally in the King's household, wherever he might be, "a Lord of Misrule or Master of Merry disport and the like, had ye in the house of every nobleman of honor or good spirit were he spiritual or temporal." These temporary rulers, very often found in the retinues of the mayor and sheriffs of London, "misruled" from All Hallows' Eve till Candlemas and the expenses of their short but extravagant reign figure heavily in the accounts of the time until by an Act of Common Council in 1555, they were curtailed. In this same chapter Fowell and Palmer[1] find that a similar post existed in Scotland until 1555, where the Lord of Misrule was there known as the Abbot of Unreason, a fitting enough post for the modern censor to have his authority from. Incidentally, it is by little references such as this that one catches on quickly to the fact that Fowell and Palmer are not in favor of the censorship. However, it is difficult to trace the origin and growth of this old office but, we suppose that in all probility that it was dramatic rather than administrative and in this

1 Fowell and Palmer, Chapter 1, pp. 1-31

respect, it differed entirely from the office of Master of Revels, though it certainly seems probable that the one temporary office suggested the other permanent one. The Master of Revels was an official of varying dignity, whose duty it was to arrange and control the royal entertainments, disguisings, masques, etc., on festive occasion. The earliest traced reference to such an office is dated 1347, when the provision of tunicae and viseres for the Christmas ludi of Edward III at Guildford is to be found among the expenses of the wardrobe.

Plays were frequently prohibited on specified Holy Days. One such proclamation, issued as early as 1418, proclaimed at Christmas against Mumming, plays, interludes, and visors and that a lantern should be kept burning before each house. Stage performances were entirely prohibited during Lent and during the prevalence of a plague.[1] Some little time after the Guildford entry, there is a record of John Lydgate composing a set of verses for Christmas feasts in Hertford Castle at the request of the controller Brys, who was probably Comptroller of the Household. It isn't until the time of Henry VII that references to organized entertainments or revels became common when items of expenditure in connection with Christmas and other merry makings are to be found on record. By this time, the Master of Revels was apparently a minor member of the King's household. An official recognition of him is to be found in an Order for Sitting in the King's Great Chamber bearing the date December 31, 1494. As the character of the court changed, the opportunities of

[1] Fowell and Palmer, p. 36

the office increased and from being an insignificant and probably temporary appointment at the court of Henry VII, it became, in the reign of his light-hearted successor, a post of considerable importance. As the nominal salary of the office was only about ten shillings for each day of personal supervision, we may be sure that it was not long before a minor and possibly permanent official was appointed by the superintendent of revels, "both to his own ease and the prince's good service." Further, it was probably found desirable to have a permanent official acquainted with the technical details of the post, someone who could be deputed in a time-honored fashion to execute the drudgery and detail and accept such cuffs and curses as might not conveniently be taken by his superior. Actually, as the work of the office increased, several subordinate posts were created. The immense amount of work entailed gave the holder of the position of Master of Revels an opportunity to capitalize on the drudgery and detail and make more of the job. This was a good build-up for the future time when he would seek to extend the administrative powers of the office. Masques, dresses, stuffs, and ornaments had to be obtained. Architects, builders, carpenters, tailors, and embroiderers to be engaged, and the actual performances chosen and piloted to an acceptable conclusion. A further source of anxiety was the thieving propensities of the royal guests, who revealed a marked partiality for the property and costumes of the players and an embarrassing ingenuity in stealing them. It is obvious that the duties of the post must have been

onerous for the masques, at that time much favored by the court, were on a grand scale. Typical of such entertainment was one given in 1575 to Queen Elizabeth by Dudley, Earl of Leicester, reported to have lasted for seventeen days at a cost to the Earl of a thousand pounds a day, while the total cost has been computed at about sixty thousand pounds. Another one said to have cost twenty-one thousand pounds was presented in 1633 to Charles I and his French Queen. Some of the persons who held the position of Master of Revels in the early years of its post were John Houlte, John Lydgate; in 1510, the Earl of Essex; in 1511, Sir Henry Guildford; between 1524 and 1539, Lord Gray, and Sir Anthony Browne. Richard Gibson, who died in 1534, was succeeded by John Farlyon with whom the post some think first came into independent existence. In speaking of Farlyon's death in 1539, Thomas Thacker wrote to Cromwell: "Last night, John Farlyon, sergeant of the King's tents, died and the post falls to John Bridges," who resigned it on April 1, 1547. The scope and power of the two offices of the tents and the revels is a little confusing but this ambiguity was ended by the establishment, in 1544, of a new functionary with a title of Master as chief officer alike of the offices of tents and revels. Cawarden, the next master, held both offices by two separate patents. The reason given for the creation of a new title was that Sergeant seemed hardly a dignified enough appellation for one of Sir Thomas Cawarden's credit. In 1537, games and unlawful assemblies were prohibited in Suffolk on account of a seditious

May game which was "of a king, how he should rule his realm," in which one of the characters said "many things against gentlemen more than was in the play." In 1543, a statute was passed entitled "An Act for the Advancement of True Religion and for the Abolition of the Contrary," which said:

> "It shall be lawful to all and every person and persons to set forth songs, plays, and interludes to be used and exercised within this realm and other of the King's dominions for the rebuking and reproaching of vices for the setting forth of virtue so always that such songs, plays, or interludes meddle not with interpretations of Scripture, contrary to the doctrine set forth or to be set forth by the King's majesty."

Fowell and Palmer give, as perhaps the earliest reference to a definite system of dramatic censorship, an Act of 1551, which contains the clause to the effect

> "nor that any common players or other persons upon like paines to play in the English tongue, any manner interlude, play, or matter without they have special license to show for the same in writing under his Majesty's sign, or signed by six of his Highness's Privy Council."[1]

Sir Thomas Cawarden certainly took his court dignities seriously, frequently insisting upon the fact that he was of the King's Privy Chamber. His appointment was polite and he was granted all houses, mansions, rights, liberties, and advantages appertaining to the office and the salary of ten pounds annually. Although the salary was not a very big one, the office was young and there

[1] Fowell and Palmer, p. 52

were some compensations to be obtained. The Master of Revels secured as a personal perquisite all the cast-off garments and accessories used in the masques, which he sold, probably to the actors, and, say Fowell and Palmer, we read of subsequent masters bequeathing substantial accumulations and such property to their heirs. This right to all the discarded garments and properties must have been a valuable one and we can imagine the increasing anxiety and watchfulness of the Master of Revels on the one hand and the nervous eagerness of the guests on the other as the revels neared an end and the time for plunder approached. The phrasing of Cawarden's patent was adopted almost without alteration in the patents of later masters. Sir Henry Herbert claimed that the rather vague terms gave him a licensing authority over all kinds of shows and performances throughout the kingdom. But in Cawarden's time, the jurisdiction did not extend beyond the court, and the Master of Revels was occupied in devising such masques and shows as were required for the personal entertainment of his royal master. But Cawarden, like his successors, tried his hand at stretching the powers of office, and there is a little incident on record which says a good deal for the importance and authority of the Master of Revels. Finding himself under the necessity of providing a new store-house for his department, he turned the parishioners of St. Anne's out of their church, calmly walled off the building, unroofed it, and after turning one portion into a stable, built tennis courts on the site. In the meantime, the aggrieved parishioners were by the King's orders granted a room to use in place of

their church. In 1555, however, a bill of complaint against Cawarden was brought before Bishop Gardner, who ordered him to reinstate the Church and, what was more troublesome, saw that his orders were carried out.

Cawarden's successor, Sir Thomas Benger, delegated the work more and more into the hands of subordinates with disastrous effects both to the organization and expenses of the department. By 1573, on Benger's death, the demoralization had gone so far and the need for drastic reorganization become so obvious that Lord Burghley was instructed to make an investigation into the origin, powers, and condition of the post. In the report which Burghley received, it is important to notice that although the powers of the office were exhaustibly defined, no mention was made of any authority whatsoever to interfere with the drama outside of the court circle. The opening wedge of this practice was probably due to the custom of the Master frequently to call in outside companies and actors to have them rehearse plays before him which might be suitable for court presentation so that he might select the best, the whole process being simply the one followed in the selection of any other goods intended for use at court. In the ordinary course of sampling the proposed entertainment, he would commonly glance over plays and manuscripts to judge of their merits, to cut them down to tolerable limits if necessary, and to purge them of any expressions which might reasonably be suspected of being offensive to the royal audience. Since he, the Master of Revels, was held responsible for the

inoffensiveness and general success of these court entertainments and for his own credit's sake, it was necessary for him to discriminate between good and bad plays.

In her article entitled "How We Came To Be Censored by the State," Gertrude Kingston states that there is always an element of danger in stage plays during a religious-conflict period, and that after the Reformation, doctrinal (and therefore political) allusions crept in and the Reformation spirit was especially on the actor's side of the curtain. Some actors at Southwark ran a play to conflict with the requiem that was being held for Henry VIII as a test of popularity. This caused offence, and the play was banned and ordered to be performed at the house of the master of the players. This shows us the use of the stage for Protestant and Roman Catholic propaganda.

In 1556, strolling players were forbidden to wander lest they cause sedition.[1] In the same year, the Council ordered the Lord President of the North to guard against any risk of disorder arising from the performance of plays. It will be recalled that only shortly before this at Queen Mary's accession, another attempt had been made to put a stop to the growing freedom with which certain sacrosanct subjects were being discussed. Prohibitions then issued were comprehensive enough to sterilize the intellectual life of the town. Queen Mary's proclamation was one of the first to mention written licenses for acting; attempting to put down sedition and false rumors, it forbade

1 Kingston, Gertrude, "How We Come To Be Censored By the State" Nineteenth Century Magazine, 1908, Vol. 64, p. 1035

unauthorized persons to preach and to interpret the work of God after their own brain in churches and other places, both public and private, and also by playing of interludes and printing false fond books, ballets, rhymes, and other lewd treatises in English tongue concerning doctrine and matters then in question and controversy, touching the high points and mysteries of the Christian religion. The proclamation stated that the Queen straightly charged and commanded all and everyone of her subjects not to presume henceforth to preach or to interpret or teach any Scriptures or any points of doctrine concerning religion, nor to print any books, matter, ballet, rhyme, interlude, process, or treatise, nor to play any interlude except they had Her Grace's special license in writing for the same, upon pain of incurring her indignation and displeasure.[1]

In 1557, the Privy Council directed the Mayor of London to prevent the further performance of another lewd play (lewd at this time did not mean lustful but belonging to the laity) called "A Sackefull of News", and to arrest the players and send their play books to the Council. We don't know what the cause of the offence was but the title, says Kingston, like the French revue suggests topical allusions to town gossip of the day. Merely to arrest the players and send their play books to the Council was not of much avail for there was no means of preventing a player from introducing whatever variations he chose in the play as originally set out in the play book. The players were

[1] Fowell and Palmer, pp. 12-13

released after two days as the play itself was judged harmless. However, authority decided it was safer to forbid the actors the city of London, to appear in any other time than between All Souls' Day and Shrove Tuesday, and to use no play not censored by the Ordinary. The significance of this lies in the fact that authority awoke to the power of the stage, and this was the beginning of a long struggle to follow.[1]

Two years later, recognizing the disadvantage of so much freedom, Queen Elizabeth issued a proclamation establishing a more definite licensing system, and giving broad instructions to guide officials in their censoring, which was to include matters of religion, of the governing of the state of the commonwealth in handling or treatment, since such matters were to be written or treated upon only by men of authority, learning, and wisdom, and not to be handled before any audience but of grave and discreet persons. The whole proclamation is in a very determined tone but it is feared that its practical effect was very limited. At this point, it might be well to comment on the character of the censorship as it existed at the time. It is true that the theatre had become profane in the Middle Ages but the Church did not immediately round on it as soon as it escaped from it, nor did the State regard it as disreputable immediately. It came to be strictly regulated under the Tudors but it must not be supposed that any distinction was made against the theatre, for it was exactly on a level with all other institutions that

1 Fowell and Palmer, p. 14
Kingston, pp. 1035-1036

disseminated ideas. The Tudor censorship dealt impartially with the theatre, the pulpit, and the press; the only distinction was that any regulations concerning the theatre were for public health and safety, i.e. distinctions aside from the pulpit and the press. The plays of the time and players were under the same supervision as was every citizen. One thing that the Tudor rulers would not tolerate was the "masterless man," who was very often shipped to the wars or deported. The censorship of the drama around the time of Shakespeare was under the direct jurisdiction of the Sovereign in Council. The tendency of the time was toward bureaucracy. The Privy Council acted through commissioners, Justices of the Peace, and local offices, and regulated the life of the humblest citizen. And when we study some of those regulations, compared to the pulpit, the ale house, or the book shop, the theatre was a comparatively free place. The locations of the different theatres were chosen with public health in mind. The players were often bound over for acting lewd plays or picturing thinly disguised imitations of living men of note, but licenses for players were no more unusual than for travellers abroad, gypsies, tavern keepers, merchants, beggars, publishers, preachers, or curriers. Although the Master of Revels was first appointed by Henry VIII in 1544, neither his (the Master of Revels) nor the Lord Chamberlain's authority was arbitrary or exceptional. It was exercised under the Council with

limited discretion. It was revocable and exercised within the terms of the delegation. Occasionally he was advised by distinguished men of the day. Tilney was given a statesman and divine to assist him in reforming tragedies and comedies. Walpole later felt that this helped develop Shakespeare away from burlesque farces and low buffoonery.[1] The early censors at work were motivated undoubtedly by personal gain and when they began extending the scope of their office so as to make it include printed matter and freak sides ows, their motive had nothing whatever to do with the preservation of public morality or the control of licentiousness. It may have been on these grounds that they justified their aggression but the purpose as well as the result of the licensing activity was simply to bring an increasing number of citizens, ranging from dramatists to penny showmen, under their exactions. The nature of the work finally licensed is sufficient proof that the officials did not labor in any rarefied atmosphere of austere morality; it had the atmosphere not of a temple but rather of a mercenary lawyer's den. Since the censor was first and foremost a court official dispensing the powers and privileges of the court, guarding the person and authority of the king in this particular sphere, it is to be expected that the appointment was not one likely to be given to a man of Puritan tendency. The censor was a man who moved in court circles and usually had some literary qualifications and pretentions. Such men as Cawarden, Tilney, Buck, and Herbert,

[1] Palmer, John, "The Censor and the Theatres" pp. 21-25

all have some literary pretentions. Such men would not be likely to have been hostile to the drama as seen from the dramatist's point of view. The Master of Revels was not at all interested in what the Puritans thought of the stage or their horror at offences against decency and morality. Actually, Puritans would only provoke him to greater tolerance toward the performances which gave them so much offence. The Master of Revels held the views of his own class and his own time. Doubtless, the censor's activity and aggressiveness from time to time were modified by the idiosyncrasies of succeeding sovereigns.

The Master of Revels had a certain minimum of official duties to the court and some of these can be determined from the nature of the expurgations, emendations, and prosecutions of the period, as well as from the nature of the drama as finally censored. On the whole, the censor was indifferent to any nice points of propriety. He generally passed over scenes and situations at which a modern censor would squeal with horror and which our modern taste might consider frank and offensive. Nor did he quibble over discussions and incidents of the utmost intimacy presented without offence. Dramatists were allowed entire freedom to deal with any phase of life or manners which appealed to them. The question of decency as it is now interpreted but rarely arose in the censor's mind. He was primarily concerned with the protection of the social order in its existing form. Perhaps the greatest offence that a dramatist could commit was to write something tending to produce contempt for authority

whether of the Church or of the State, and this is revealed in the proclamation of 1559 by Elizabeth, which (we have seen) rated as an offence anything presented upon the stage dealing with matters of religion or of the government of the realm. Any attempt to undermine the sources of authority was suppressed, although occasionally we find that the censor was temporarily blind. But on the whole, the surest way of provoking his ban was to present anything calculated to stir dissatisfaction in the common people or to incite them to disorder and revolt. Criticism of friendly foreign powers was also forbidden, though naturally the severity of this injunction varied with the degree of friendliness officially extended to the power in question. For a long time no reference was permitted to modern Christian kings, but it was not always impossible to veil sufficiently clear references to particular personages under fictitious names. Finally, restrictions were at different times placed on the use of oaths and strong language, and here again the context sufficiently proves that the restriction was less in the interests of public decency than from fear of the possible results of too much freedom in thought and speech. For instance, for a long time the use of the word "God" was absolutely prohibited.[1]

In 1564, we find Archbishop Grindal blaming the plague of the preceding year on the work of the theatre, and later Gosson's "School of Abuse" was full of invective against the theatre.

[1] Fowell and Palmer, pp. 47-51

At this time, all plays had to be first licensed by the Lord Mayor. The Privy Council ordered the mayor to forbid plays during Lent. We find players petitioning the Privy Council to be allowed to act "now that the sickness had abated," and the Privy Council in turn petitioning the Lord Mayor to allow them to act any day but Sunday. It was, says Kingston, a regular game of battle-dore and shuttle-cock between the Privy Council and the city magistrates in which the actor was the unfortunate shuttle-cock but certainly not wanted in the city, and that is why Burbage and his company sought refuge in Blackfriars outside the city walls.[1] Although earlier enactments had been made against vagabonds, there was no mention of players. They were first included in Elizabeth's Act of 1572.

Chaos followed the break up of ecclesiastical control and a taste for interludes and plays had awakened and the new calling had developed so traveling players set up their wares in inn yards. The resulting nuisance that this caused in a town and the thronging audiences without any observance of what would be our fire laws of today caused much excitement, and sedition was often easily aroused in the mob. As most people traveled little, they resented their communities being overrun thus by strangers and so we find Elizabeth's Act of 1572 reading thus:

> "Under all fencers, bearwards, common players, in interludes and minstrels not belonging to any baron of this realm or toward any other personage of greater degree which said fencers, common players and minstrels shall wander abroad and who have not license of two

[1] Kingston, p. 1036

> Justices of the Peace at the least when, and in what shire they shall happen to wander shall be adjudged and deemed rogues, and vagabonds and sturdy beggars."

The actors found this very irksome and often pretended to be a certain nobleman's servants. This Act was amended in 1597 with another clause, "to be authorized to play under hand and seal of arms of such baron or personage," omitting "and have not license of two Justices of the Peace at least." Thus, henceforth, the actor had to get a patron's patent to act in order not to be punished as a rogue or a vagabond, yet Elizabeth's first patent to players "as well as for recreation of our loving subjects as for our solace and pleasure, when we shall think good to see them," would seem to prove a bit inconsistent. A century later, says Kingston, William of Orange gave the actor Thomas Betterton a private audience and a license to erect his theatre in Lincoln's Inn Field's which reads: "License to Thomas Betterton, gentleman". It was the custom of a company of players to attach itself to a prince or nobleman and this custom began with Richard III, which is a little illuminating regarding him. At any rate, this led to the 1572 Act, which allowed "attached" players to act when and where they pleased provided it was with their patron's permission.[1] The favoritism which the Earl of Leicester enjoyed with the Queen created a new situation when she granted a patent to his players giving

[1] Kingston, pp. 1033-4

them under the great seal the right to perform in all cities and towns of the realm, even within London itself, without molestation from the local authorities, any previous acts or proclamations notwithstanding. Since such power as this had never before been granted to anyone, it became necessary to provide against its abuse in this particular case. There was the risk of the players, as soon as they got out of the immediate supervision of the court, taking advantage of their freedom to present plays likely to provoke disturbance or incite disrespect for the court. To guard against such risks, the Master of Revels was instructed to deal with these outside performances as though they were for the court, and the actors were only to hold their patents on the condition that all their plays be by the Master of Revels for the time being before seen and allowed.[1] Although this substantial increase of the master's authority was destined to result in wide-reaching development, when Benger died, and Edmund Tilney was appointed master by the patent of 1579, no mention was made of the new powers conferred on him as a result of a patent given to Leicester's company in 1574.

The primitive censorship exercised by the London Common Council had been rather of a more moral and disinterested type. In 1574, an order of the Common Council was made against "unchaste, uncomely, and unshamefaced speakers," so evincing a desire for the moral purification of the stage.[2]

In light of our modern conventions, in connection with play going, it is interesting to note that Sunday was the play-goer's

1 Fowell and Palmer, p. 18
Palmer, John, p. 25

2 Fowell and Palmer, p. 48

only chance of entertainment. It was not in fact until 1579 that plays were acted during the week. In those early days, however, the theatre was hedged in with rules of etiquette. Ladies, for instance, were supposed to be barred from play-going, yet, we are told the Queen of them all broke through the rule. Queen Elizabeth patronized Sunday plays at Oxford. Another royal theatre-goer was James I, who gloried in Sunday shows. Bishops, too, were not above patronizing them and there is record of the Bishop of London producing "A Midsummer Night's Dream" at a Town House on a Sunday evening in 1631.[1]

About this time, the office of censor seems to have been generally looked on as a convenient means of enforcing personal views on the literature of the period. John Lyly was at one time eager to reform not only the stage, but the English language, which, however, say Fowell and Palmer, he miserably injured by substituting quaintness for simplicity, and bombast for wit. For many years, he made the most persistent effort to obtain the post of Master of Revels so that he might impose his fanatic reforms on the drama of the period. We are told that his aim was to become Master of Revels, that through the medium of the stage he might promulgate his mad innovation. The incident throws an interesting sidelight on the popular conception of the post in those days.

When Tilney was appointed the Master of Revels, the court entertainment entered on a period of greater lavishness and splendor and by a patent dated December 24, 1581, his powers

[1] Fowell and Palmer, p. 82

were considerably extended and he was empowered to commit recalcitrant persons to prison. It gave him the power under the penalty of commitment for disobedience to warn, command, and appoint and summon before him from time to time players and their plays to present and recite them before him; also to order and reform, authorize and put down as he thought meet or unmeet all such shows, plays, players and play-makers. The vagueness of the terms Tilney chose to interpret as referring to the stage in general. Naturally, the licensing powers vested in him carried the right to a licensing fee and though these at no time approached the figures secured by some of his successors, they must have formed a useful source of income to him. What he probably did was to issue to properly chosen companies, of whose repertoire he approved, licenses somewhat similar to those given during Benger's mastership to Leicester's men, which constituted a sort of passport to the magistrates and local authorities. All of this did not mean that Tilney had undisputed authority over the drama. Actually, he was but a minor figure in the long and bitter struggle then in progress between the friends and enemies of the stage. The shop-keepers in the city of London, though not necessarily hostile to the stage as a form of amusement, were irritated and inconvenienced by the interruption of business, the waste of time and money in which it involved their wives and apprentices. Then there were, of course, the Puritan preachers. For many years the stage had been a battle-ground for the settlement of dry theological problems. As soon as

these religious controversies were suppressed, however, the Puritan preachers discovered that the stage, no longer interesting to them, was wholly evil in its tendency and reeked offensively of hell. It was a change of front that was very common, very human, and entirely contemptible.

The dramatists often made direct attacks upon the Puritans laughing at their claims to moral excellence. The latter found even more reason to complain about licentiousness of the stage as the Renaissance period moved toward its close. Attacks upon the drama as pagan and immoral began in the earliest days of Christianity and although in the Middle Ages, the Catholic Church had adapted dramatic representations for religious purposes, such a use of the stage seemed to the Puritans just as objectionable as the orgies that sometimes formed part of the mimes of old Roman comedy. The theatre, they argued, was historically identified with lascivious paganism and popish abominations, and it had grown no better. The Puritans objected particularly to the performance of plays on Sunday. They accused the actors who took the parts of women of violating a Biblical command and though Elizabeth forbade religious and political discussion on the stage, it soon became evident that the dramatists all stood for the Renaissance spirit as opposed to Puritanism. Early in her reign, there was strong opposition to the popular amusements of the time. Although in 1572, Parliament wrestled once more with the problem of vagabondage, which had been acute since the supression of the monastaries, the House of Commons included actors and

minstrels along with bearwards and fencers under the heading of vagabonds, who were to be severely punished, and they had their way although the House of Lords objected. However, it was provided that the monarch, and peers of the realm, and certain officials of the court might license and protect companies of actors, and in this way it was easy for reputable troupes to be exempted from the penalties of vagabondage. Companies of boy players were formed from the choristers of St. Paul's and the royal chapel and from the students of Westminster school. Actors frequently presented their plays before the Queen and at the accession of James I, Shakespeare was one of the actors marching in the procession to welcome him. And yet with all this, theatres were not welcomed within the city limits of London. The municipal authorities expressed fear of danger from fire, rioting, and contagious disease. Puritanism and a stern morality which became increasingly identified with it grew rapidly in London.[1] The situation provided a study in contrasts. On the one hand, there were the increasing frequency of the court entertainment, the growing demand for variety which made it absolutely necessary that various troupes of players should be in a position to maintain themselves by public performances not too far distant from the court. Elizabeth, and indeed the court party generally, was strongly attached to dramatic entertainment and in the center of this interesting position stood the Privy Council with the court and preferment on one hand, and the Puritans and shop-keepers on the other. Naturally, the Privy

[1] Markun, pp. 70-73

Council was tempted both by inclination and interest to gratify the Queen's taste as far as possible. Moreover, the city shopkeepers had more than once lately made a show of independence and an opportunity of exercising a little stern authority over them was welcomed. At the same time, the Privy Council had very well grounded dread of anything likely to give rise to rioting or calculated to incite the common people to rebellion. They were not able to forget that some plays (notably religious ones, it is true) had given rise to serious disturbances while over and above all was the risk of infection and disease in crowded audiences. By fairly continuous exercise of the powers granted him in 1559, the position of the Mayor of London had become fairly established but these powers were seriously encroached on, first by the overriding license given to the Leicester players in 1574, and later by the extended powers granted to the Master of Revels in 1581. Rivalry soon became acute and resolved itself into a struggle between the court and the representatives of the people for the control of the popular stage. The stage was fiercely attacked in sermons and pamphlets. One of the first Elizabethan denunciations to arouse wide interest was Stephen Gosson's "School of Abuse," in 1579. Gosson was an Oxford man who had come to London and tried to make his fortune by writing pastorals and plays and perhaps by acting. He became converted to Puritanism and wrote against his own earlier manner of living. He impudently dedicated his work to Sir Philip Sydney, who replied in "The Apology for Poesie." Thomas Lodge wrote a book in defense

of the drama, poetry, and music, which he published surreptitiously because the Puritans were by the time strong enough to prevent the issuance of a license. The Lord Mayor of London encouraged the printing of various tracts which attacked the theatre.[1] The zealots of London were not able during the Elizabethan period to prevent stage plays being acted in and about the city. In some of the smaller towns, the Puritans succeeded in abolishing traditional plays and pageants. The London players kept their play-houses open on Sunday and during Lent despite a prohibitary law. The Black Friars Theatre was built in a neighborhood renowned for its piety, and crowds of bejewelled gentlemen stepped out of dazzling coaches to flaunt their extravagance before the eyes of a less elegant world. Worst of all, apprentices were encouraged to ape their betters, being admitted into the theatre for a low fee.

Apparently, lawlessness and cruelty increased in England during Elizabeth's reign. Elizabeth herself is said to have been fond of bear-baiting. The popular love of blood was satisfied, not only in the baiting-pit but in the theatres as well. Some of the tragedies contained dozens of murders apiece. Sabbath breaking was denounced as a crime worse than murder, that is by the Puritans, and it included almost all Sunday activities neither specifically religious nor essential for the preservation of life.[2] Writing about the collapse of a scaffold in Paris

1 Markun, p. 74

2 Ibid, p. 78

Garden on a Sunday (1583) in which accident eight persons were killed, Prynne called it the interposition of heaven.[1] The Leicester patent brought troubles to a head, and as a retort, an Act of Common Council was passed in the autumn of 1574 regulating public performances and making it compulsory for all companies and players as well as playing-places to be licensed by them for that purpose. A law was passed in the same year enacting that no inn-keeper, tavern keeper, or other person should permit such plays to be performed within his house or yard, which should not first be perused and allowed by the Lord Mayor and Court of Aldermen, and it bound all persons who were permitted to perform plays in a penalty to the Chamberlain of London. However, the law does not seem to have been very strictly observed.[2]

There was still much animosity over the privileges claimed by the Leicester players during the next year or two and open contest of powers between the city and the Council was probably only averted by Leicester's men being transferred in 1576 outside the jurisdiction of the city authorities. As a body, these authorities remained hostile to the theatre mainly on account of the disturbing effect we have seen it had on the business life of the city. For the next few years, the war between opponents and patrons of the stage was waged hotly by pulpit and pamphlet, and the corporation, encouraged by the amount of antagonism shown to the theatre, ventured in 1582 to pass a fresh

1 Kingston, p. 1032

2 Fowell and Palmer, p. 23

Act of Common Council permanently prohibiting all plays in London. No outstanding protest was made and a fresh outbreak of the plague made a public congregation of citizens undesirable. But once the plague was over, the Queen's players selected by Tilney in 1583 applied for leave to practice by means of public performances in preparation for the Queen's entertainment for the following Christmas. Fowell and Palmer say there is no documentary evidence in existence recording the defeat of the city authority in this direct appeal against their jurisdiction, but the fact is sufficiently proved by the continuance of plays in London. Rights of local self government were not however finally overridden and plays were again prohibited in 1584, but as a result of a petition by the Queen's players, a working arrangement was arrived at whereby the players were allowed to perform but under much more stringent control. During the next year or two, plays were again prohibited on various occasions for short periods, chiefly on account of the prevalence of plagues, but these prohibitions are not sufficiently important to justify enumeration.

By a decree in 1586, a license by a bishop or an archbishop was a necessary formality for the printing of plays. Since 1559, pamphlets, plays, and ballads might only be printed after inspection by and license from three commissioners for religion. We find that these clerical gentlemen appointed a number of official licensers to deal with the work. In practice the whole scheme does not appear to have been very efficient, though we find

one or two protests from the reverend gentlemen because the conditions of the decree had been ignored. It is doubtful if any very serious steps were taken to bring ordinary offenders to book. At any rate, we know that Sir George Buck, since his superior Edmund Tilney had grown old, had become more and more actively concerned in the management of the office and, in extending the remunerative possibilities of the office, had sought to license the publication of plays in book form.[1]

In 1596, the play "Sir Thomas More" was censored. The scene in the play where More as chancellor refuses to subscribe to the King's Articles was scored out by Tilney, who made a marginal note: "All altered,"--but the nature of the King's Articles was unspecified in the play. Against other portions which might be interpreted as provoking to discontent and rebellion, he wrote: "Mend yt," while the part dealing with the insurrection of the citizens against the foreign residents seemed to him much too dangerous and inflammatory a topic, for he ordered the playwright to leave out the insurrection wholly and the cause thereof and to begin with Sir Thomas More at the Mayor's session with the report afterwards of its good service done, etc., etc., and then added the words "at your own peril," and signed his name. This manuscript is particularly interesting, say Fowell and Palmer, as it is a specimen of a book still, to all intent and purposes, in a state in which the author sold it to the players. It became their official copy which was duly

[1] Fowell and Palmer, p. 29

sent to the Master of Revels to be censored and it remains with his comments in the margin and his corrections, erasures, and substitutions (together with a number of added slips) showing the way in which the suggested alterations were carried out, some critics believing that some of the alterations made in the manuscript were made by Shakespeare.[1]

In 1582, the Privy Council had called upon the Mayor to appoint some "fit persons who may consider and allow of such plays only as befit to yield honest recreation and no example of evil." But only half-hearted censorship resulted as might have been expected. The Mayor, it is thought, wished to see the stage abolished, so he was by no means concerned in helping to make it innocuous. In 1589, a fresh and important stage was reached, when after the publication of an order for the stay of all plays within the city, the council quietly gathered the reigns into its own hands. In the first place, a letter was issued from the Star Chamber to the Archbishop of Canterbury, complaining about the discussion in plays of matters of divinity and of state, unfit to be suffered, and urging the appointment of persons of judgment and understanding to view and examine plays before they be permitted for public presentation. The Archbishop was instructed to nominate some fit person well learned in divinity to serve on the outlined commission. The Mayor of London had already been called on to appoint such a representative and in conjunction with these two, Tilney was instructed to call before them several

1 Fowell and Palmer, pp. 55-56

companies of players and to require them by authority to deliver unto them their books, and thereupon to have stricken out or reformed such parts and matters as they should find unfit and undecent to be handled in plays, both for divinity and state, commanding the said company of players, in Her Majesty's name, that they forbear to present and play publicly any comedy or tragedy other than such as the three commissioners should have seen and allowed, under pain of severe punishment, and permanent expulsion from their profession. Fowell and Palmer say this was like asking the mayor to make himself useful at his own execution with a vengeance. Apparently the whole object was without a doubt to get the city to invest its authority in a single unimportant individual who might easily be overridden and have his power quietly filched from him. The ostensible purpose was probably to make Tilney the real licenser with the other two as consulting experts in the spheres of religion and civic well-being. At any rate, the actual effect was to establish Tilney's absolute power. The other two coadjutors soon ceased to take an active share in Tilney's duties, and the practical control of stage plays passed from the hands of city authorities. They had, of course, the right to pass resolutions prohibiting all stage plays, but in the meantime Tilney was quietly licensing as many plays as he wished and it was obvious which authority was the one to play up to.[1]

Probably the earliest intervention made by the censor was

[1] Fowell and Palmer, pp. 25-27

in connection with the Martin Marprelate controversy in 1589. A number of plays were staged, violently inveighing against the Martinists, Puritan pamphleteers hostile to the Established Church. The authors of these plays were none the less venomous because of the previous bitter attacks made by these same Martinists on the dramatic stage. Since the persons assailed were open adversaries of the Established Church, it was considered advisable to suppress the plays as feeling was already running high; rioting was to be apprehended. One result was the appointment of the commission that we have already mentioned. The first suppression does not appear to be very effective and many of the plays continued to make their appearance in one form or another until November, when the Council stepped in and suppressed all London plays. Here the motive for the action was perfectly simple; the offending plays were dealing with controversial matters of divinity and state in a way calculated to provoke disorder. Quoting from Mr. Payne Collier's "New Facts," Fowell and Palmer tell us that Shakespeare's company, as early as 1589, took occasion to commend themselves on the special account that they had brought into their plays no matters of state or religion unfitting to be handled by them or to be presented before unlearned spectators.[1] In 1597, another Act was passed against rogues and vagabonds. It included common players of interludes or minstrels wandering abroad, but made an exception of players of interludes belonging to any baron

1 Fowell and Palmer, p. 78

of the realm or any other honorable personage of greater degree, to be authorized to play under his hand and seal. The Act, however, was not aimed at players, but was directed to masterless men, who had always been looked upon with suspicion.[1]

In 1597, Shakespeare had a little difficulty with the censor over his play "Henry IV." The immediate source of the trouble was the character of Falstaff. In the first instance, the name of the historic fat knight was Sir John Oldcastle. Some of the descendants of the famous Lollard martyr of that name chose to make impossible applications of the references in the play and protested so energetically that at last the Queen ordered Shakespeare to substitute another name for that of Oldcastle, "Some of that family being then remaining." This, in modern times, would definitely be a libel case but in that less sophisticated age, his offence was not recognized as having any cash value. We do not even read of Shakespeare's being punished and we may be sure that any annoyance Elizabeth may have felt was quickly forgotten in the pleasure she found in following the amorous exploits of Falstaff, for whom she seems to have had an extraordinary and constant fondness.

Nash's "Isle of Dogs" came up for discussion in the censor's office in 1599, although we don't know exactly the manner or extent of its offence. An entry on the Council register sets it off as a lewd play containing very seditious and scandalous matter, and as a result some of the players were apprehended

[1] Fowell and Palmer, p. 25; cf. supra p. 296

and committed to prison, one of them being, not only an actor, but also part author. Nash's punishment could not have been very severe for shortly afterward his company was singled out for special privileges by the Privy Council.[1]

Shortly after, Shakespeare's "Richard II" came up for notice. The scene of the King's abdication, particularly aroused Elizabeth's fear, her fear not being altogether unfounded, for the Essex conspirators, thinking to encourage the common people to rebellion against Elizabeth, bribed the players with an offer of two pounds to play the expurgated scenes at the Globe Theatre on February 7, 1601, one day before the date planned for the ill-fated rebellion. Here again the offence of the author and players seems to have been entirely overlooked.[2]

Buck, who did not like to see the rapidly broadening stream of literature flowing titheless past him, began tentatively issuing licenses for the printing of plays in 1606. The new policy proved both successful and profitable, and to Buck must be given the credit of starting the practice which ended in every drama entered during the next thirty years (as it states in his register) bearing the authorization of the Revels Office. How much revenue this actually meant for the office, we cannot tell, but it certainly did not leave Buck indifferent to other

1 Fowell and Palmer, pp. 56-57

2 Ibid, p. 58
Haight, p. 19

opportunities for, in 1613, we find him selling a permit for the erection of a new theatre in Whitefriars for the substantial fee of 20 pounds. Again in 1615, we find him checking up for payment of arrears owed him for appointing a company of youths to perform tragedies and comedies in Bristol.[1] A new phase of censorship is illustrated by the charge brought against Sir Edward Dymock in 1610 by Henry, Earl of Lincoln, in which it was asserted that Sir Edward and others had contrived and acted a stage play on a Sabbath day on a Maypole green near Sir Edward Dymock's house, containing scurrilous and slanderous matter against the said earl by name. After the play had been ended, an actor, attired like a minister, went up into the pulpit attached to the Maypole, with a book in his hand and did most profanely in derision of the holy exercise of preaching pronounced vain and scurrilous matter. As might be expected, such an offence was not in those days lightly overlooked. The three principal actors were sentenced to be pilloried and whipped in Westminster Hall and also in Lincolnshire, to pay a fine of 300 pounds apiece, while Sir Edward Dymock was to be committed to the Fleet and fined 1,000 pounds. The incident is instructive as showing how seriously such offences were regarded at the time.

With Tilney's death in 1610, Sir George Buck, his nephew who had been carrying on the office actively for some time, became the censor. A year later, he was busily reforming "The Second

1 Fowell and Palmer, p. 30

Maiden's Tragedy," variously attributed to Middleton, Chapman, and Tourneur, and printed with Chapman's works among doubtful fragments. Buck carefully deleted a number of audacious passages describing and denouncing the royal lusts. Such references to vice in high places were, it may be assumed, a kind of disloyalty. He was particular to censor any disrespectful allusions to the gentry and to shield the royal peccadilloes from criticism, but decency and propriety did not bother him particularly. He came to regard himself as literary editor as well as censor, and we find him in this play deleting or subduing phrases that conflicted with his personal views and prejudices.[1]

On the back of his petition to Charles II against the grant to Killigrew and D'Avenant to form two companies of players, Sir Henry Herbert wrote down a list of the Masters of Revels to date and in coming to the year 1617, he included the name of Ben Jonson. King James, who seemed to have been unusually pleased with Jonson's "Masque of Gipsies," in which he bore a part, made to Jonson a reversionary grant of the office of Master of Revels. The King, by letters patent dated October, 1621, granted him the office to be held and enjoyed by him and his assigns during his life from and after the death of Sir George Buck and Sir Astley or as soon as the office should become vacant by resignation, forfeiture, or surrender. In contemplation, say

[1] Fowell and Palmer, pp. 62-63

Fowell and Palmer, perhaps of his speedy accession to this office, James was desirous of conferring upon him the honor of knighthood. Jonson, for whom wealth and title had no charms and who was well aware that the distinction of this nature would exasperate the envy which pursued him from his earliest years, shrank from the meditative kindness of his King and prevailed on some of his friends at the court to dissuade his royal master from his purpose. He received no advantage from the grant specified above as Sir John Astley survived him. It appears, however, that finding himself incapable during his last illness of performing the duties of his office, supposing it to devolve on him, he had been graciously permitted by Charles to transfer the patent to his son, who died in 1635. A passage in the "Satiro-Mastix" would suggest that Jonson had made some attempt to procure the reversion of the office of the Master of Revels before the death of Elizabeth.[1]

Jonson collaborated with Chapman and Marston in writing a comedy entitled "Eastward Ho," in which the authors were accused of reflecting on the Scots. They were committed to prison and in danger of losing their ears and noses. How often Jonson went to prison and for how long is very uncertain. In this case the Master of Revels did not take the initiative but the King himself, who seems to have taken action in the matter; his sensitiveness in view of the changing relations with the Scotch people is easily understood and the royal intervention needs no

1 Fowell and Palmer, pp. 118-119

further explanation. In the case of "Sejanus" and "Sir Giles Goosecap" (often attributed to Jonson), some of the political, personal, and religious allusions were pounced on by the Master of Revels himself. However, in connection with "Eastward Ho," Jonson was pardoned and released through the intervention of powerful friends. On his release, he gave an entertainment to his friends, in the midst of which his mother drank to him, showed him a paper of poison which she intended to have given him in his liquor having first taken a portion of it herself if the sentence for his punishment had been carried out.[1]

In 1622, Sir George Buck was formally superseded in a Privy seal, which directed that as he by reason of sickness and indisposition of body, wherewith it had pleased God to visit him, had become disabled and insufficient to undergo and perform his duties, and the office was conferred on Sir John Astley, whose period of office was mainly notable for the extraordinarily bad bargain he made with his successor.[2] In a chapter devoted to Sir Henry Herbert and his fees,[3] Fowell and Palmer give the year 1623 as the date when Herbert first comes to our notice as the most original and striking Master of Revels. Everything, they say, that Herbert did shows discreditable originality; even the manner in which he secured his appointment was, to modern views, unorthodox although accepted by his contemporaries as a perfectly legitimate arrangement, entitled to every

1 Fowell and Palmer, p. 61-62
Haight, p. 20
Hart, W. H., "Index Expurgatorius Anglicanus," p. 49

2 Fowell and Palmer, pp. 30-31

3 Ibid, Chapter 2, p. 33 ff.

recognition. Recognizing Astley's deplorable lack of initiative in his post of Master of Revels, in Sir George Buck's time, Sir Henry made an offer to pay 150 pounds a year for the powers and perquisites of the Revels' Office. The King, shortly afterwards, received Herbert as the new Master of Revels. Impressed by the rather imprecise wording of Cawarden's patent, Herbert soon started on a series of experiments of ascertaining to what limit the elastic privileges would stretch. He set out first by claiming the right to license every form of public show or performance; rope dancers, the salesmen of drugs and cure-alls, and a host of others had soon been entered as profitable clients on Herbert's register. Most of the licenses ran for a year and varied considerably in the size of the fee. Soon Herbert was bleeding the stage on a bold scale for further fees, as we shall see a little later.

In 1624, a play by Thomas Middleton entitled "A Game at Chess" was acted for nine days at the Globe Theatre. The title was engraved with figures of a fat bishop who represented the Bishop of Spalatro, and black and white knights who were Count Gondomac and the Duke of Buckingham respectively. The black and white on the chess board represented the Reformers and the Papists, the latter getting the worst of it. It was an unprecedented success, the players gaining 100 pounds a night. The king was offended and the Spanish ambassador resented the political allusions therein. The players were brought to Council and the play forbidden until it should be acted before His Majesty.

Herbert claims that the parts had been added after he had granted the license. A little later the East India Company remonstrated against the play "Amboyna," which dealt with massacres perpetrated by the Dutch, and the production was forbidden.[1]

In this same year, 1624, a prohibition against representing any modern Christian king in stage plays came into force, probably suggested by the production in 1604 of "Gowrie," or still more imperatively by Chapman's "Biron," in 1608. The one describes the Gowrie plot against James in 1600 and apparently gave great displeasure to the councillors, and there was, at any rate, a threat to suppress it. Chapman's "Biron's Conspiracy" and "Biron's Tragedy" were not over-respectful to the French Queen, so it is not surprising that the French ambassador should make several efforts to prevent performance of the play. He seems to have been partly successful but despite his influence with the English court, the players continued to act the play as soon as the court had left town. Three of the players, however, were arrested, but Chapman, much to the ambassador's disgust, escaped. This was a case where the play was more or less offensive to a friendly power and its morality and decency were not in question. A little later, when Chapman sought a license for the printing of his tragedy, it was refused because of the intervention of the French ambassador. The Privy Council had thrice given special permission for the performance of the two dramas and this encouraged Chapman to make a very bitter attack on the

1 Hart, p. 64
Kingston, p. 1037

censor, the record of which remains today in a letter.[1]

Revealing typical antagonism that existed against the stage, a pamphlet appeared in 1625, entitled "Short Treatise Against Stage Plays." It contained a specious argument to the effect that no authority for plays appears in Holy Writ, so therfore plays are un-Christian. It held that actors, acting under false pretences, were going against the Epistle of Timothy, which warns man to shun profane and vain babbling for they would increase into more ungodliness. About the same time Blackfriars petitioned for the removal of players--practical and secular--as they hindered traffic and business near the theatre, further intruding on christenings and burials. At this point the Queen, Henrietta Maria, stepped in, and the players were allowed to continue. However, play houses were limited to two, one on Bankside (for the Lord Chamberlain's servants) and another in Middlesex for Alleyn.[2]

Typical of Herbert's activities was a note in his account book dated February, 1625, which read: "An old play called 'The Honest Man's Fortune,' the original being lost, was re-allowed by me at Mr. Taylor's entreaty and on consideration to give me a book." This and other such notes reveal that Herbert managed to collect whatever possible.[3] As the monthly fee for licensing play houses had come to an end, Herbert substituted

1 Fowell and Palmer, pp. 58-59

2 Kingston, p. 1037

3 Fowell and Palmer, p. 37

an arrangement in 1628 whereby the King's company "with a general consent and alacrity" arranged to give him two benefit performances annually, one in the summer and one in the winter, to be taken out of the second day of a revived play at his own choice. This arrangement lasted for five and one-half years, Herbert's receipts averaging nine or ten pounds per performance. At the end of that time, in 1633, a fresh arrangement was made under which the manager of the company agreed to pay him a fixed sum of ten pounds every Christmas and ten pounds every mid-summer instead of his two benefits. Herbert's benefits, however, netted him much more than ten pounds, for in some early notes on Beaumont and Fletcher's "Custome of the Country," there is an entry listed for over seventeen pounds.

After awhile, it became whispered that a manager who tactfully mislaid a sufficiently heavy purse in Herbert's office might get a special license or dispensation in connection with the prohibition of stage performances during Lent and during the prevalence of plagues. After a while records of fees exacted under these circumstances began to appear in Herbert's register. Players, of course, were willing enough to pay for the privilege, especially in connection with the plague which might last unnecesarily long, unless the treasurer of the company paid Herbert a friendly call. Such fees Herbert referred to as "occasional gratuities," entering them at three to four pounds each.

Herbert further had a box gratis at each of the theatres and

was allowed a sum of twenty shillings weekly for a lodging, but the regular fees which he received for the censorship and licensing of plays constituted the main source of his income. As a fee hunter, Herbert was fertile in devices. Fowell and Palmer cite the case of revived plays for instance. In the ordinary way, revived plays, which had previously been licensed by his predecessors, were reallowed free of further charge. This seemed to Herbert unnecessarily doing something for nothing, but at the same time he was too cautious, violently to demand a fresh fee, so he laid his plans most skillfully. At first he would make a friendly arrangement with the player who brought an old play to be reallowed that he should get a book for his pains. Custom soon gave this arrangement the force of a rule, and with the thin end of the wedge thus placed in position, Herbert patiently waited a suitable opportunity to drive it home. That opportunity arrived with the revival of "The Tamer Tamed," in 1633. Some kindly disposed person was said to have laid a complaint to the court that the play contained objectionable matter, and on examination, Herbert found this to be the case. He was therefore compelled to bring into force a new rule, under which the players submitting an old play for his inspection were ordered to pay a fresh fee of one pound per play. His defense of the situation was as follows:

> "All old plays ought to be brought to the Master of Revels and have his allowance for them for which he should have his fee, since they may be full of offensive things against Church and State, the rather that in former times the poet took greater liberties than is allowed them by me."

Thus, we see what neat manoeuvring he was capable of. It is interesting to note in connection with the question of fees that they varied very considerably, depending on how much work Herbert felt called on to do, but generally, the higher became in time, the regular one. He established, too, another precedent, in maintaining that the fee was not the licensing of the play but to recompense him personally for his labor in reading and judging it. In 1633, Massinger's "Believe as You List" was prevented from being licensed because of its dangerous matter, but the fee had to be paid to Herbert for having read the play. Another brief entry in 1642 shows that he received from one Kirk two pounds for a new play which he burnt for the ribaldry and offence that was in it. This, say Fowell and Palmer, suggests the kindly Western custom of making the chief guest of a lynching party buy his own rope.

Herbert, however, had not yet run out of inspiration. He recognized that, in those days, the best copyright of a play was secured simply by guarding the copies of it in order to prevent rival players purloining any stray copy, and thus securing a first performance. Shakespeare's plays had become available in 1627 and four years after their publication, the King's company paid Herbert five pounds to forbid the playing of the plays to the Red Bull Company. Even the Lord Chamberlain, himself was not always above taking a hand in transactions of this kind.

In the later years of Sir George Buck's Mastership, the system of licensing printed plsys was not strictly enforced,

but Herbert revived the system with the utmost vigor and between 1628 and 1637, he issued licenses and received fees for every play entered in the Stationers' Register. He even went further and stretched his fee-grabbing claws towards innocent books of poems, for which he was called before the Star Chamber to account for his warranting their printing. Very often, he added to his activities those of the lay lawyer settling, for a consideration, litigation between parties where a question in dispute was remotely associated with the theatre. In this capacity, he was known to have committed to the Marshalsea. His last entry in the Register appeared on the eighth of June, 1642, after which he added the words, "Here ended my allowance of plays for the war began in August, 1642." After the Restoration, he came back to office in the expectation of exercising all his old powers, but he never secured his original standing.[1]

When Middleton had decamped in connection with the play "A Game of Chess" in 1624, the blame naturally fell on Herbert's shoulders, so he became more wary after the incident, and little of importance was recorded until 1631, when according to his office book, he refused to grant a license for a play by Massinger because it contained a dangerous matter like the deposing of Sebastian, King of Portugal, by Philip II and a peace sworn by the Kings of England and Spain. Of course, Herbert retained his fee. Massinger met Herbert's refusal by changing all the names and scenes and in that form the play was ultimately passed and appeared as "Believe as you List," the revised draft in

[1] Fowell and Palmer, pp. 39-41

Massinger's handwriting, with the Master of Revel's license being still in existence.

The following year, 1632, "The Ball" by Shirley and Chapman was under ban of displeasure. Various personages in court might, it was feared, take offence at some of the passages but with these omitted, the play was licensed.[1]

In 1633, Jonson's "Tale of a Tub" had to be modified as Inigo Jones considered himself caricatured in the person of Vitruvius Hoop and secured the Lord Chamberlain's sympathetic support. In the same year Herbert took offence at the occasional oaths in "The Seaman's Honest Wife," a dry and drivelling puff of the East India Company, a kind of metrical advertisement. He returned the book with the note added to the license that all the oaths be left out in the action as they were crossed out in that copy, with the further command, that a copy thereafter should be left with him, a practice which became fairly frequent in later days when the play in question was of a dangerous nature.

When Fletcher's "Tamer Tamed" was revived, Herbert complained again about the oaths, profaneness, and public ribaldry which he absolutely forbade to be presented in any plays. However, essentially indecent as the play was, it was acted a month later at court and received very well. D'Avenant's "Witts" brought Herbert to the surface again with a fresh crusade against profaneness. The play itself is essentially indecent by modern

[1] Fowell and Palmer, pp. 71-72

standards, but Herbert's small comb was so quickly choked with the trifling stuff of oaths, etc. that it scraped harmlessly over the main plot and purpose of the play. Nevertheless, he lavished such care on trivial erasures that D'Avenant in despair took his mutilated and emasculated play to the chamber of the King himself and persuaded his royal patron personally to revise Herbert's corrections. This the King did and was pleased to take "faith," "death," "'slight" for asseverations and not oaths. Herbert begrudged the royal sanction, according to his register, in which he referred to the affair, and still held the expressions to be mere oaths.[1]

It will be recalled that in the golden age of the English theatre when Elizabeth sat upon the throne, godly men had begun to raise an outcry regarding the wickedness of stage plays. Early in the reign of James I, noblemen were deprived of the right to license companies of actors. However, the professional players of London came under the protection of the Crown and they seemed to be permanently assured of immunity from the hostility of Parliament and also of a respectable and honorable status. Thus sheltered and definitely engaged on the Royalist side, they began to mock the Puritans more freely than ever, and to defy them on their emphasis on immorality; the zealots developed more and more hatred for the theatre. An Oxford man named William Prynne, who was a lawyer by profession and a very prolific writer by avocation, took up the work of defending the

1 Fowell and Palmer, pp. 73-74

Puritans in routing their enemies. About 1624, he set to work on a book intending to prove that no good Protestant country should tolerate stage plays. In 1629 a company of actresses brought from Paris were pelted from the stage at Blackfriars. This incidentally is the first mention of women on the professional stage. Even the godless wretches who were accustomed to attend the theatre couldn't abide such a piece of immorality as putting women on public platforms. Pyrnne was still at work on his book regarding the theatre. In 1630 he obtained a license for publication of his "Histrio-Mastix," but the book over a thousand pages long did not appear until November, 1632. A more wholesome indictment against penning, acting, or frequenting of stage plays as infamous, unlawful, and misbecoming Christians was never put on paper. As may be judged by the length of the book, it assembled a great mass of evidence that proved for those who agreed with Prynne that stage plays had been condemned by the Holy Scriptures, by the Fathers of the Church, by all modern Christian writers whose opinion was worthy of s serious consideration, and by the wisest of the pagan philosophers. He showed, too, that the theatre was a breeder of all forms of vice and irreligion. Unfortunately for Prynne, Queen Henrietta Maria was, at the end of 1632, rehearsing a play. She had brought over some professional actresses from France, and she and some of her court ladies were to appear with them on the stage. In calling all the women who showed themselves on the stage by uncomplimentary names, Prynne was considered to have

grossly insulted the Queen herself. Although he may not have intended to reflect on the Queen's character in print, nevertheless, he suffered severe punishment which included the slicing off of his ears. At first, there was little public excitement regarding the matter since many Puritans felt that Prynne's punishment was deserved. Two years later, Milton wrote "Comus," showing that he did not share the extreme view regarding the sinfulness attached to all dramatic representation. Puritan sentiment on the subject quickly changed, even the moderates beginning to denounce the theatre and everything connected with it. When Prynne was again severely punished, this time having the remaining fragments of his ears trimmed off, he and the other Puritans who suffered at the same time were regarded as martyrs.[1]

The unjustifiable severity of his punishment helped, feels Kingston, to bring about the eventual suppression of the theatres by the Puritans in 1647 when all stage galleries, seats, and boxes were pulled down by the warrants of two Justices of the Peace, and the actors were to be publicly whipped and spectators fined five shillings. Prynne was released after the Long Parliament and this marks the degradation of the player and the modification of the playwright. Those actors without a profession took up arms for their sovereign patron, except three old ones.[2]

In 1633, we find Herbert with some reformations licensing an old play, Fletcher's "The Loyal Subject," which had been

[1] Markun, pp. 108-110

[2] Kingston, p. 1038

formerly allowed by Buck in 1618.[1]

In 1634, Herbert committed to the Marshalsea Prison for lending a Church robe with the name of Jesus upon it to the players in Salisbury court to represent a flaman, a priest of the heathens, but upon the latter's petition of admission and acknowledgement of his fault, he was released.

About five years later, we find the Church again soliciting protection in a similar connection when the players at the Fortune were fined a thousand pounds for setting up on the stage an altar, a basin, and two candlesticks, and bowing to them. The play was merely an old one and the altar was erected only to heathen gods, but the whole performance was held to be lacking in respect for the ceremonies of the Church. Nothing, say Fowell and Palmer, was more likely in those days to get the indiscreet dramatists into trouble than something revealing disrespect for established authority. Society was banded together to suppress all disreputed elements and it was really only in this respect that the poor playwright was regarded seriously.[2] A masque, by Inigo Jones surveyor of His Majesty's works and William D'Avenant, Her Majesty's servant, was presented at White Hall in 1637. It was entitled "Britannia Triumphans," but it was suppressed because of the title page statement of its being acted on a Sunday and the resultant clamor that it excited.[3]

THE CLOSING OF THE THEATRES--1642-1660

The triumph of Puritanism closed the theatres or at least made them illegal. Stage plays were suppressed in 1642, with the command that they should cease and be forborn, and a few

1 Fowell and Palmer, p. 67

2 Ibid, pp. 76-77

3 Hart, p. 79

years later more stringent ordinances were adopted which provided that all persons caught at the acting of plays should be flogged while the spectators should be fined. Later modified forms of the drama were licensed for semi-private performances and there was considerable reaction in favor of the theatre before the restoration of the Stuart Kings made it fully legal. The Puritans objected, not only to stage plays but to a great many other forms of diversions as well. For instance, they passed a law that all the May poles should be cut down. Masques, puppet shows, etc. were all frowned upon through the days of the Commonwealth, and in 1644-45, there were several attempts to abolish Christmas.[1]

Cromwell forbade a single verse of Shakespeare at his daughter's marriage, yet hired buffoons to entertain the guests, and "cut up" himself. With him it was away with Shakespeare and his description of human passions which were offensive to every item on the Decalogue. Cromwell preferred the joke of sitting on his own hat. Some time after the 1642 order was issued, dramatic entertainments of one kind or another seemed to have been surreptitiously presented. In time, the theatres were partly opened and the general public appeared to have responded eagerly to the renewed opportunity for amusement. In any case, the Puritan Parliament was roused to stricter measures and retaliated by a notable order passed in 1647 for the destruction of all play-houses. The ordinance called for the suppression of all stage plays and interludes, and berated stage players and players of interludes or common plays as rogues and punishable

[1] Markun, pp. 110-111

under the Acts against rogues and vagabonds, "whether they be wanderers or no and notwithstanding any licenses whatsoever from the King, or any person or persons to that purpose." Any player proved to have acted in performances was to be openly and publicly whipped and bound by sureties never to act again, or in default of such security, committed to jail. If he offended a second time, he was to be punished as an incorrigible rogue. All moneys taken as admission fees were to be forfeited to the Church wardens of the parish and devoted to the use of the poor. And every person present as a spectator was to be fined five shillings for each offence, also for the benefit of the poor of the parish. Automatically, this reduced to vagabonds, actors, both licensed and unlicensed, and abolished the whole system of patents and licenses controlled by the Master of Revels.[1]

After the war, a band of actors dared to open a play for a few days at the Cockpit, They were arrested and their props seized. Although many players took an honorable part in the Civil War, at the close, they found both their military and dramatic vocations ended, and they were faced with a period of struggle in which the traditions of the stage had to be maintained in various clandestine ways. Occasionally, performances (we are told) were held in private houses and in this connection Holland House in Kensington has an honorable record. The widow of the Earl of Holland, who was executed in 1649, helped to keep the stage alive by bootleg performances before select and small

[1] Kingston, p. 1039
Fowell and Palmer, pp. 83-85

circles of friends. After the performance a collection was made for the actors. By some such ruse or subterfuge in advertising a theatrical entertainment as an exhibition of rope-walking, etc., or by bribing the officer at Whitehall to ignore the actors at Christmas and Bartholemew Fair time, acting was kept alive.[1]

When in 1655, the Puritan Major-Generals became the police chiefs of the whole country, they made serious efforts to enforce the great mass of prohibitory laws which had been enacted in the two previous decades. They had actors whipped and caused just-books to be destroyed and made gamblers pay fines of double their winnings.[2]

Fowell and Palmer point out as the first glimmerings of reaction Richard Cromwell in 1658, ordering a report on a play which Sir William D'Avenant ventured to present at Drury Lane. The poets and actors were to be arrested and strictly examined as to the nature of the play while inquiry was to be made as to the authority given for its public performance. The play in question was probably "The Cruelty of the Spaniards in Peru," expressed by vocal and instrumental music and by art of perspective in scenes. This of course was a fairly transparent evasion of the actual use of the word "play." It was finally read and approved of by Cromwell, and as it contained some very severe strokes on the Spaniards with whom he was at

1 Fowell and Palmer, pp. 80, 86
Kingston, p. 1040

2 Markun, p. 117

variance, it would seem that Cromwell had been willing to condone even a stage play for the sake of having Spain presented to the people in a humiliating light, a perfect example of the drama as propaganda.[1]

The old principle that what you cannot speak, you can sing is exemplified in the allowance of an opera by Cromwell to be played at Rutland House, "The Siege of Rhodes."[2]

FROM THE RESTORATION TO THE PLAYHOUSE BILL OF 1737

In 1660, the monarchy and the stage were restored together, and Sir Henry Herbert was once more wielding his pen as licenser of the stage. He tried again to extend the powers of the Revel's office asking that the office should have jurisdiction over all dancing schools, wakes, or rural feasts and lotteries, and should even have the right to license gaming contrary to the law. Even billiards, nine pins, and cock-fighting were not beneath his notice, and he was willing to claim authority over anything which his jurisdiction could possibly be stretched to cover, the licensing of which might be profitable. Fowell and Palmer quote Gildersleeve in connection with his inability to regain his old position.[3] She says that at the Restoration, he resumed his former jurisdiction but found that the recent times had given men new habits of reasoning, notions of privileges, and propensities to resistance. He applied to the Court of Justice for redress but the verdicts of juries were contradictory. He appealed to the ruler of the State but without receiving redress or exciting any sympathy. Like other disputed

1 Fowell and Palmer, p. 86
Kingston, p. 1041

2 Kingston, p. 1041

3 Fowell and Palmer, p. 87

jurisdictions, the authority of the Master of Revels continued to be oppressive until the Revolution taught new lessons to all parties. Although before 1660, D'Avenant had been permitted to produce operas, after the Restoration, all forms of the drama were openly allowed, but there was no great revival of interest in the theatre under Charles II. For years the courtiers and those persons who aspired to be courtiers or who aped the manners of the palace made up the principal patrons of the stage. There is a vast difference between this and the popular support that the drama received during the age of Elizabeth.[1]

One or two theatres were enough for London in the years between 1660 and 1700 although the smaller population of James I's reign had supported as many as six. Since the middle classes held themselves aloof, plays were written to suit the aristocrats and dandies, and morality--especially Puritan morality--was either ignored or mocked at. General Monk and Rhodes (the old Black Friars prompter) walked to London and got a license to act from the General quartered there. They joyfully reopened the Cockpit with Betterton, the son of the cook of Charles I, an actor, who with his wife later gained and held the respect and confidence of kings. Betterton, Kynaston, and John Downes were by far the most important theatrical figures of these times.[2] The royal imprimatur to drama was given when the King, the Duke of York, and the unprincipled Earl of Oxford

[1] Markun, p. 157

[2] Kingston, p. 1040

gave their coronation suits to Betterton, Hart, and Pryce, and the play "Love and Honor" was produced.

It was, incidentally, fashionable for men and women about town to produce plays, for the stage and actresses had now come into vogue.[1] Before, the appearance of women on the stage had been objectionable but now they had become a commonplace matter. Charles II expressed the opinion that the morality of the drama would be much improved if all the lines assigned to female characters were actually spoken by women and girls. Possibly he had his tongue in his cheek when he said this. Anyway, few actresses of the time laid great stress upon chastity in word or deed; a general knowledge of this fact added to the piquant naughtiness involved in going to the theatre. There are records of clergymen taking off their canonicals to attend the play, and it seems that the more dignified members of the profession, even if they were not of the Puritan party, seldom or never went.[2]

In 1660, the practical control of the stage passed from Herbert by royal warrant to Sir William D'Avenant and Thomas Killigrew, who were made sole guardians of theatrical amusement in the metropolis. It has been thought that the strictness of Herbert's taste was not altogether pleasing to Charles II. The preamble to Killigrew's grant gives the reason for the new enactment, the need not to suppress the use of theatres but rather the evil and scandal in the plays that were then being

[1] Kingston, p. 1041

[2] Markun, pp. 157-158

acted. Ironically enough, the men who were appointed to fit the stage for use as moral instructions in human life actually led it to a level of dissoluteness not hitherto reached. In the grant Killigrew and D'Avenant were enjoined not to allow any play, interlude, or opera containing any matter of profanation, scurrility, or obscenity. And they were further authorized and commanded to peruse all plays that had been formerly written and to expurge from them, before they could be acted, all profanation and scurrility. Further, they were given exclusive stage rights in the cities of London and Westminster.[1]

For the next two or three years, Herbert put up a vigorous fight to recover some of his previous rights and privileges but he was thwarted at every step in the vain hope of reestablishing his former autocracy. D'Avenant openly defied Herbert, who brought several suits at law against him to recover arrears of fees due to the Revels' office. But Killigrew, more pliable, good-natured, or perhaps more lazy than D'Avenant, decided to come to terms with Herbert, and in 1662, they reached an agreement under which Killigrew agreed to pay all money due to Herbert. Herbert was to receive two years' dues from the King's and Queen's players for the new plays at forty shillings a play and for the revived at twenty shillings a play, while Killigrew was to assist him in his office, the latter in turn helping in the control of the King's and Queen's players. Killigrew was formally to abjure D'Avenant and to support Herbert's authority. In 1662, he

[1] Fowell and Palmer, pp. 87-89

received a second patent identical with the one given to D'Avenant at the same time. On Herbert's death ten years later, Killigrew officially succeeded him as Master of Revels, though it is at least doubtful if his authority was in any way increased by the appointment.

In 1661, Pepys expressed surprise at the production of Jonson's "Bartholomew Fair," as it then seemed an unusual piece of daring to revive this dramatic attack upon the Puritans, but the new playwrights were going even further than the Elizabethans in heaping contempt upon the zealots and the things they most cherished.[1]

In 1664, Pepys sat beside Killigrew at the King's play-house, where he learned about the building of Killigrew's theatre "to erect a nursery for breeding players under the oversight and approbation of D'Avenant and Killigrew." Killigrew was indulged to be plain spoken, but not so with the players of the King's company. The King, for instance, was offended by too pronounced caricature on the stage, as in Lacey's ideal Falstaff and the original Bays in "The Rehearsal." Charles found the sarcasm too pungent against the courtiers in Howard's "The Silent Woman." Lacey, despite the usual favoritism shown him by the King, was locked up, but after his release he and Howard whom he blamed for the lines came to blows. The King was bitterly unfair in his sentence. He closed down the play-house and threw the entire company out of work. On another occasion, he also closed the play-house when his favorite Louise Kerouaille, the Duchess of

[1] Markun, p. 158

Portsmouth, was insulted at the theatre by anti-Romanists.[1]

John Milton had long hesitated about a choice of subject for his epic, "Paradise Lost." It might easily have been a secular theme perhaps similar to that of Spenser's "Fairy Queen," but there can be little doubt that a moral purpose would have appeared in any case. Milton's early notes for "Paradise Lost" show that he considered for a time treating it dramatically instead of epically. Perhaps it was his Puritan prejudice against the stage that determined its final form. "Samson Agonistes" is a drama, however, even though it is not suitable for acting. Milton's defense of tragedy prefaced to this work shows that he understood he would offend some Puritans by writing even a religious play and one which was not likely to be put upon the stage.[2] That is why he made the choice of closet over acting drama.[3]

About this time, the actor Powell struck a relative of the theatre manager's at Will's Coffee House. The Lord Chamberlain was sought for redress, but as the Lord Chamberlain himself was absent, the Vice Chamberlain ordered the Drury Lane Theatre closed for several days because Powell had been appearing without making an apology, the manager being ignorant of the Chamberlain's order.[4]

With the Restoration, the theatre was supposed to go on as before. We have seen the theatre under Elizabeth was subject

1 Kingston, pp. 1042-3

2 Markun, pp. 105-106

3 Moody, pp. 283-285

4 Kingston, p. 1045

to the prerogative of the sovereign in council as was every province of the citizens' activities. The history of censorship was normal from 1603-1640, but the Tudor system of bureaucracy was defeated in 1640 by the abolition of the Star Chamber. As this conciliar system broke down, the Lord Chamberlain's functions grew in importance, and records as far back as 1628 show that the Lord Chamberlain (often personally or through the Master of Revels) licensed or closed the theatres and exercised general supervision over the work of dramatists. A few years later Oliver Cromwell was responsible for further changes although he himself was of little permanent influence. Under him the theatre was held as the gate of Hell, a point of view still maintained by many people. It must not be supposed that the Puritan view was the origin of censorship. It is historically but only indirectly important and so we come to the Restoration, when the theatre, like the monarchy, was restored and everything was supposed to go on as before; but actually it was a free period until the Revolution in 1688. From 1660 until 1685, plays were normally under the Lord Chamberlain's Master of Revels, but actually, they were freer than any other literary activities.[1]

When the merry Killigrew obtained control of the theatre, the stage, far from being purged of plays that were offensive to all pious and well-disposed persons, became grosser, coarser, and less restrained than ever, and the new censorship not only

1 Palmer, J., pp. 26-29

failed to purify the stage, but it neglected those duties which had under previous masters been adequately performed. Instead of protecting the court, it permitted such blatant attacks on it as were to be found in Howard's "Change of Crownes," in which the abuse of the king was so violent that it gave the greatest offence to King Charles, who prohibited the actors from further performance, but characteristically enough, this silencing order was partially rescinded a few days later.[1]

In this period, Beaumont and Fletcher's "The Maid's Tragedy" was prohibited by an order from the Lord Chamberlain. There is some doubt as to the real reason underlying the interdiction but some people feel that the tragical death of King Charles I was still too fresh in the memory of the people to have such an impious object for a public entertainment. Cibber felt this was the case since the last act of the play was changed so that the life of the king was loyally saved. He thought that a repenting mistress in a romantic revenge of her dishonor showed too dangerous an example to other Evadnes then shining in court. At any rate, the play was not banned until after 1661, and this shows that its prohibition did not immediately follow the restoration of the monarchy.[2]

Crown, taken with a sudden access of Protestant fervor in 1681, introduced in his "First Part of Henry VI" a little vinegar against the Pope. The Romish faction in court was highly offended and the tragedy was promptly suppressed. His dedication to the

[1] Fowell and Palmer, pp. 100-1

[2] Fowell and Palmer, pp. 101-102

"English Frier" said that his aversion to some things he had seen acted at the court carried him against his interest to expose Popery and Popish courts in the tragedy of Henry VI, which pleased the best men of England but displeased the worst, for before it lived very long, it was stifled by command.

In the same year, John Dryden's "The Spanish Fryar, or the Double Discovery" figured prominently in the record and for the next few years following as well. When it first appeared, Dryden's enemies said that it was much too heavy on the Popish religion. His friends, equally censorious, said the play was mostly stolen from another author. To these two criticisms, Fowell and Palmer supplied Charles II's historic retort. Answering Dryden's enemies, he said that knaves in every profession should be alike subject to ridicule. To Dryden's generous friends, he said: "God's fish, steal me another play any of you and I'll frequent it as much as I do 'The Spanish Fryar!'" During the whole of James II's reign, the play was prohibited, the part of Dominick, the Spanish monk, offending James's new Romish sympathies. When William ascended the throne in 1688, the play was in the stock list, however, and the Queen unwittingly ordered it for presentation. The King, at the moment, was in Ireland and the Queen being left Regent found herself amid a good deal of confusion because of the allusions in the play.[1]

Religious references were expunged with varying severity when

[1] Fowell and Palmer, p. 103

Shadwell introduced into "Lancashire Witches" the Chaplain Smerk to ridicule Anglican pastors and especially their hatred of Dissenters. The Master of Revels passed the play with only a few alterations, but about a dozen lines or so being deleted. It was later however represented to him that the religious references were extremely offensive and he called for the book again and violently censored the whole of Smerk's speeches. Such a situation has often been repeated in the history of the censorship, that of a censor seeing no harm in a play until some fanatic with an inflamed conscience has made a protest. Instead of justifying his first decision, the censor has made an unthinking rush to change his opinion. Fowell and Palmer cite as a modern example of this that of the censor altering a play after it had been performed 245 times. In 1681, a play was stopped at Dorset Garden because there was too much talk of liberty in it. The play was "Lucius Junius Brutus" by Nathanial Lee, who was accused of having too boldly vindicated republican principles. It was feared that the whole play and sentiments of the play had a tendency to inflame republican ideals among its auditors and after the third presentation, it was quietly suppressed.[1]

In 1681, Tate, who had himself remodeled Shakespeare's "Richard II," had to modify his characters further and even then the piece was stopped on its second performance for political reasons. There is hardly anything that might reasonably be regarded as objectionable

[1] Fowell and Palmer, p. 104

in the piece. The whole setting of the play had been transferred to Sicily and the play presented under the title of "The Sicilian Usurper." Tate himself judged the suppression as a libel upon the history of his own time. He was unable to have it perused and dealt with according as the contents deserved, but suppression without examination was all that he could procure.[1]

For some reason or other King Charles II forbade its further appearance during his reign, although in 1691, Langbaine, writing of the incident, said it had been revived, with the last act altered to please the court.

Killigrew's death in 1682 brought his censorship of the stage to a close, a censorship that was marked with utter demoralization. There is no reason to suppose that for the first part of the period after the Restoration, the liberties taken by dramatic authors were unwelcomed by the mass of the people. In the violent reactions from the Puritan rigors, the refreshing freedom of the stage would doubtless be palatable, but toward the end of Charles's reign, there were already signs that the pendulum of public opinion after two violent oscillations was swinging back to its normal poise. Killigrew was succeeded by his son, Charles Killigrew, in 1682.

In 1682, "The Duke of Guise" by Nathanial Lee raised a furore by its political allusions and was for a time forbidden.[2]

In 1684, John Banks had printed a play entitled "The Island Queens or the Death of Mary, Queen of Scots," but owing to the

1 Fowell and Palmer, pp. 104-105

2 Buchan, "The Restoration Drama," p. 261

censorship, it was not performed until 1704 when it made its appearance at Drury Lane as "The Albion Queens." The long delay was due to the fact that the Master of Revels saw political spectres in it that never actually appeared in the presentation. Finally, the author was lucky enough to prevail with a nobleman to favor his petition to Queen Anne for permission to have it acted. The Queen had the goodness to refer the merit of his play to the opinion of that noble person although he was not Her Majesty's Lord Chamberlain, upon whose report of its being in every way an innocent piece, it was soon after acted and with great success.[1]

Another play that came under the ban of the censor while King William was away prosecuting the war in Ireland was Fletcher's "Prophetess," produced in 1690. It was banned after the first performance, the tone of some of its allusions being thought offensive. Its prologue, written by Dryden, had some familiar metaphorical sneers at the Revolution itself.[2]

Two plays by John Banks, "The Innocent Usurper" (1694) and "Cyrus the Great," (1696) were both forbidden, although the latter was subsequently allowed. "The Innocent Usurper" was forbidden because it was supposed to cast reflections on the government while "Cyrus the Great" was, we are told, banned "nobody knows why." It is difficult to figure how "The Innocent Usurper" could have contained any special attacks on the government of the day because it was proved later that the play had been

[1] Fowell and Palmer, p. 122

[2] Ibid, p. 102

written ten years before in 1684.[1]

During the reign of Charles, the theatre approached such absolute freedom as it had never before, but with his death in 1685 came the first hints of a changing mood. It was, of course, the inevitable reaction, in a nation naturally sober and phlegmatic, from the orgie of unrestraint which would seem tired of too much naughtiness and soon, speakers and writers were taking advantage of this chastened, or surfeited, mood. In 1695, Richard Blackmore was vigorously attacking the theatre. In 1697 he came to the attack again with a fresh outburst.[2] In 1696, the posting of play-bills was banned in the city, and the Grand Jury of Middlesex represented the two play-houses and the Bear Garden as nuisances and riotous and disorderly assemblies.[3] In 1697, Jeremy Collier's "Short View of the Profaneness and Immorality of the English Stage" made its paralyzing and devastating advent. The freedom of the drama suffered a great set-back by this work, which was actually a collection from Congreve, Wycherly, and Dryden of those passages in their works considered by Collier as obscene and profane. King William was shocked and issued an ultimatum to the play-houses against acting in any play anything contrary to good manners and religion at their utmost peril. This is proof that the censorship was passing out of the Lord Chamberlain's control, although an order was likewise sent by His Majesty's command to the Master of the Revels not to license any plays concerning expressions

1 Fowell and Palmer, pp. 105-106

2 C. H. E. L., Vol. X, p. 80

3 Kingston, p. 1045

contrary to religion and good manners and to give notice to the Lord Chamberlain of His Majesty's household or, in his absence the Vice Chamberlain if the players presumed to act anything which had been struck out.[1]

Collier's savage attack included scores of illustrations in support of his charges of the immorality of contemporary dramatists; scenes, and expressions, which in their context had seemed unimportant and insignificant, became wholly abhorrent and obscene when gathered into one noxious mass of selections. The pamphlet had an enormous success and enlisted the sympathy even of men who hated Collier for other reasons. Whatever we may think of his methods, his pamphlet certainly curbed the ribaldry of the theatre. The King, whose taste had never drawn him to the theatre, was immensely pleased with Collier's pamphlet and granted him special favors, and, we have already seen, issued strict regulations to the censor using the very words of Collier's title. The Master of Revels was bluntly informed that he must keep a keener watch on the morality of new plays and the net result upon Killigrew's laxity was therefore to tighten the censorial authority and change it more definitely from a court protection to a moral supervision. The various authors who had been accused by Collier took up defensive cudgels, although Dryden admitted in part that he had been to blame. Collier was, however, by no means disinclined to a pen war. "Amendment of Mr.

[1] Fowell and Palmer, pp. 106-107
Palmer, John, pp. 32-33

Collier's Fault and Imperfect Citations" (1698) contains much excellent reasoning against Collier's petulance.

In 1698, when the "Double Dealer" by Congreve was acted in 1698, there were several expressions omitted.[1] Whether or not Collier's attacks overthrew the Restoration drama, it is true that King William was impressed by it, and it helped in bringing about his proclamation against debauchery. The Master of Revels began to censor plays but he was actuated by political rather than moral considerations. A great pamphleteering war arose which called public attention to the standards of the London stage, and then perhaps hastened the change which had already begun.[2]

In 1698, a leading actor and actress were fined for using profane language and the playwright D'Urfey was prosecuted.[3]

In 1700, we find plays being denounced as a pastime that led to murder because Sir Andrew Slanning was killed en route to the theatre.[4]

Queen Anne, who was rather hostile to the stage, was not accustomed to attend the theatre, although she consented to see within the palace such a play as Dryden's "All for Love." She several times issued proclamations against the presentation of irreligious or indecent matter on the stage but it is hard to tell exactly where she drew the line between decency and indecency. The Restoration's cynical attitude still appeared in

1 Fowell and Palmer, p. 112
Buchan, p. 261

2 Markun, p. 162

3 Buchan, p. 264

4 Kingston, p. 1045

some of the new plays produced in her reign. Anne was anxious to reduce the connection which existed between the theatre and immorality. She ordered the Master of Revels to see that no person of good quality went upon the stage or behind the scenes before or during the performances; that no masked women should be permitted to sit in the audience (it had become the custom during the Restoration when plays had become more and more indecent for women of refinement who dared to go to the theatre to wear masks); and that no women should be admitted free of charge.[1]

The other result of Collier's attack on the theatre besides a tightening of the censorship was the development of writing with a moral purpose. Addison and Steele worked together on "The Spectator," intending to combine pleasant reading with good advice. It was addressed to women at least as much as to men, and it was intended to teach both sexes that virtue was not necessarily priggish and Puritan; and even if Steele's personal morals were themselves not above reproach, the moral standard of his writings was high. Although Dryden objected to some of Collier's arguments and conclusions, he admitted that he had erred and promised no longer to offend against good manners. The Restoration plays continued for some time after Collier's attack with the production of old plays and of new ones in the same tradition. Farquhar, one of the last writers of the Restoration comedy, was capable of his own definition: "Comedy is no more at present than a well-

[1] Markun, p. 164

framed tale handsomely told as an agreeable vehicle for counsel or reproof." As a matter of fact, he usually wrote without any moral purpose. The Restoration comedy really died when the sentimental comedy became popular. In 1703, Steele's "The Lying Lover" was generally disapproved as being too pious but the cavalier attitude in the theatre lost its dominating position during the 18th century for the stage had begun to cater to the middle class.[1]

These changes in the subject-matter and outlook of the drama are good examples of self-censorship, the writers themselves setting a new and different standard as their aim. In this connection, Markun tells how Colley Cibber, who lived from 1671-1757, saw great changes take place in the public's estimation of the theatre and its players. When he first became connected with theatrical management, all actresses were judged to be immoral because of their profession. Cibber himself in his youth wrote a number of plays more or less tolerant of looseness in sexual morality, but later he was more careful not to give any cause for offence.[2]

On one occasion at least, the Lord Chamberlain prohibited a play because another house had a play in prospect on the same subject. The play was Swiney's "Quacks, or Love's the Physician," produced at Drury Lane, after being vetoed. This is a rather unusual instance of the censor's generosity.[3]

1 Markun, p. 168,163

2 Ibid, p. 163

3 Fowell and Palmer, p. 120

What frequently had an indirect bearing on censorship because plays were sometimes closed down was the various disputes with the patentees regarding actors' benefits, of which the management took one-third of the receipts. When applied to in this connection, the Lord Chamberlain issued an order in 1708 that the patentees were to repay money to the actors, but they demurred; when the order was not obeyed, the theatres were closed and the actors were thrown out of work for not getting the money due them. Rich, the manager of Drury Lane, artfully kept the theatre in his own possession until a lawyer got legal possession, but Rich took everything of value and escaped. The following year, there was an order issued for silence against the patentees, but the press was put on players and they were punished. Petitions and counter petitions were sent to the Queen and many complaints regarding the interference of the Lord Chamberlain. As a result, several unions were formed, secessions took place and the reconstruction of various theatrical companies and their patentees.[1]

In 1715, George I, after his accession, granted a patent to Richard Steele and his assigns, of whom Cibber and Booth were two, allowing them as sole judges of what plays might be proper for performance at their Drury Lane Theatre, to present plays without submission for license or revision.[2] In defiance of this claim, the Master of Revels demanded his usual fee of two pounds upon the actors' producing a new play though, as Cibber tactfully

[1] Kingston, p. 1046

[2] Palmer, J., pp. 33

put it, they had spared him the trouble of perusing it. Steele's patent, on which he based his claim to exception, was however by no means as perfect as he assumed and would certainly have justified a challenge, but Killigrew, who was by this time a man of 65, probably was not inclined to war. Killigrew, who was one of the managers of Drury Lane Theatre, died in 1725 and was succeeded by Charles Henry Lee, who held the office until his death in 1744, when Solomon Dayrolle was appointed in his place. How long Dayrolle held the office is doubtful, but we know that he held a diplomatic appointment from England at the Hague from 1748-1755. With him the office of Master of Revels probably died, but in any case, the ancient jurisdiction of the Revels Master had been transferred in 1737 to a legally appointed stage licenser.[1]

Queen Anne sought to clear the stage and prevent the intermingling of the audience and the actors, a custom which had been in effect since the Elizabethan period. Her purpose was to curb much of the immorality associated with the theatre. Spectators were not allowed to sit upon the stage after Garrick's time. There was a good deal of rioting in the 18th century in connection with certain stage regulations; for instance, there was the century-old custom of footmen waiting for their masters to be allowed the use of the upper gallery. When this was abandoned under George II, a riot of some three hundred broke into Drury Lane when forbidden the use of the gallery. Thirty of the

[1] Fowell and Palmer, pp. 115-117

ring-leaders were seized and brought to Newgate, but their threats to raze the theatre died out when the guard was set up. There were many private squabbles resulting in considerable dangerous tumult during the reigns of the Hanoverian kings. For instance, in 1720 a certain earl crossed the stage in order to speak to a friend on the other side. When the actors corrected him, he resented the correction and a grave scuffle ensued between the patrons and the players. Then the audience further mingled in and the rioters were arrested. The theatre was closed down in order to make repairs, the rioting had caused such damage. On a later occasion when George II arrived late for the performance, there was much public resentment on the part of the audience so George beat his lord-in-waiting and also his watch against the side of the box. During the play which he was witnessing, a Centaur shot an arrow which hit the King's box. Since treason was suspected, there was much excitement but the Centaur fortunately at an opportune moment came apart and revealed a carpenter inside who apologized to the king. On many an occasion when a riot was due to break out, ladies were escorted out of the theatre. At all times, apparently, the public took it upon itself to interfere directly with the players' business on the stage. Where, asks Kingston, was the Lord Chamberlain during all such brawls, like the one over Garrick's refusal of half price for half a performance? Why should there be one-sided justice, since the stage was always under the closest scrutiny of

authority?[1]

For a while after Steele and his friend were granted a royal patent from George I to establish their company of comedians, things ran quite smoothly, but in 1717 from the appointment of the Duke of Newcastle as Lord Chamberlain trouble began and the curious position of King's patentee and Master of Revels was presently to be defined. Shortly after his appointment, the Duke of Newcastle demanded that Steele should resign his patent and accept an ordinary license in its place. This patent, it will be recalled, enjoined no new old or revised play to be acted until corrected by the governor from any offensive and saandalous passages of expression. Steele naturally held himself as judge, but a new play was produced which had not been submitted. The Master of Revels demanded a fee of forty shillings, for he should have read it. And so the tug of war prevailed. It is thought what probably lay at the bottom of the friction was the hostility aroused by Steele's vigorous opposition to Lord Sunderland's Bill for limiting the power of creating new peers. The urbane Cibber suavely represented Steele to discuss whether more recent patents superseded an old patent or warrant without the Master's knowledge, in which case Steele agreed to continue his habit of fees. The Master of Revels was thus challenged to prove his claim that he had no warrant to depend on, and that hence the theatres spared him the trouble of reading the plays. This indicated that the Master of Revels was on his way out for his successor was neither opposed nor recognized and he received

1 Kingston, pp. 504-508

fees whenever he could, and then within the next Licensing Act the Master of Revels was not even mentioned, his power passing back to the Lord Chamberlain.

Steele's moderate little victory was short-lived, for it was at this point that the Duke of Newcastle, who physically loathed play-houses and Steele as well for the opposition in connection with the Peerage Bill as exclusive and autocratic, became the Lord Chamberlain. The Duke pretended offence in Steele's play, "The Non-Juror," which was a satire adapted from "Tartuffe" by Cibber. This was really a pretext for forbidding Cibber to appear. The resulting suspension of Cibber lasted for over a month. Steele remonstrated to two Ministers of State and presented a petition to the King in 1720, praying to be protected from the attacks of the Lord Chamberlain. The immediate result of the petition was an order curtly revoking Steele's patent and silencing the manager and actors at Drury Lane. Steele was forbidden ever more to speak or write to the Duke. The theatre was accordingly closed but his associates, Wilkes, Cibber, and Booth submitted to the new order and received an ordinary license to play at Drury Lane. Steele argued that the theatre was but a work shop and received nothing from the crown, like a lace-man or saddler or shoemaker by patent, these as such certainly wouldn't be dispossessed. Although the Attorney General and the Lord Chief Justice were of the opinion that the patent was unassailable, the King revoked the license "for the purpose of reforming the commedians and establishing the just and ancient authority of offices of our household especially of the Chamberlain."

Despite Steele's good argument, the Lord Chamberlain won out because he missed his fees and his income would have been cut to a small salary and the possession merely of official apartments. The suspension lasted but for a few weeks. Ironically enough, Walpole, Steele's former ally, became Chancellor of the Exchequer, and the Drury Lane patent was restored in a fit of personal vanity, the irony existing in the fact that a few years hence Walpole was to provide a final gagging of actors. Retribution came to the Duke of Newdastle when, the day of the restoration of the patent of the play, Cibber and his partners were ordered to account with Steele for his past and present share of the profits of the theatre as if no change had ever been made. No doubt, the signing of such an order must have been very galling to the Duke of Newcastle, in view of his previous tyranny over Steele, a man who did perhaps more than any other author to brush aside the cynical coarseness which in his day ruled as wit, a man whom even his own contemporaries held themselves indebted to.[1]

In my introduction, I mentioned that one of the factors determining censorship or rather determining the changes in the standards of censorship was the difference in the temper of an age. Fashions in morals and verbal taboo have shifted about as much as those in clothing and about as inexplicably. We find in the 18th century that the actors no longer catered to the sophisticated aristocracy alone but tried to please the urban middle classes by showing virtue triumphant. Colly Cibber tells

[1] Fowell and Palmer, pp. 125-128
Kingston, pp. 511-513

how matters had changed. "In 1725," he said, "we were called upon in a manner that could not be resisted to revive 'The Provoked Wife,' a comedy which, while we found our account in keeping the stage clear of those loose liberties that it had formerly too justly been charged with, we laid aside for some years. The suthor, Sir John Vanbrugh, who was conscious of what it took too much of, was prevailed upon to substitute a newly written scene in the place of one in the fourth act, where the wantonness of his wit and humor had originally made a rake talk like a rake in the borrowed habit of a clergyman, to avoid which he clapped the same debauchee into the undress of a woman of quality. New the character and profession of a fine lady not being so indelibly sacred as whatever follies he exposed in the petticoat kept him at least clear of his former profaneness and were innocently ridiculous in 'The Spectator.'"

Commenting further on this example of self censorship, Markun says that to Mrs. Grundy in her present incarnation"it may represent little or no advance that the rake talks like a rake in a fine lady's petticoat rather than in the gown of an Anglican minister, but the audience was satisfied and that is what Colly Cibber cared most about."[1] The unofficial censorship of the reformer that we have marked before turns up again in the pamphleteers who were still active against the stage. In 1726, William Law published "The Absolute Unlawfullness of Stage Entertainment Fully Demonstrated" and so continued the battle against the stage on the High Church side which Collier's activity had

[1] Markun, p. 181

had brought to a head.

For, says Markun, there was then less reason for a moral onslaught then there had been in William III's reign. The last important Restoration comedy, Farquhar's "The Beaux Stratagem," had been produced in 1707, and since then virtue had become fashionable upon the stage. There were some exceptions, as John Gay's "Beggar's Opera," which made out the life of doxies and highwaymen to be quite attractive if somewhat dangerous, but in general the drama had become very very moral by the time Law wrote against it. His moral ideas did not coincide with those of the noble and royal persons who went to the theatre. He felt that the play-house was as certainly the house of the devil as the Chruch was the house of God, and considered all actresses and reception rooms of theatres in most uncomplimentary terms. Yet, Cibber and his colleagues were at this time anxious to be considered quite as decent as the members of other professions, and they were doing all they could to acquire respectability. The stage was held almost exclusively by moralizing plays, farces, and comedies, in which even the most modest of maiden aunts could find nothing to blush at.[1]

The strictness of Law and others had little influence on public opinion. John Gay, who had the humor to observe the comedy of ministers and placemen and the talent to convey it to an audience in a captivating form, wrote his famous "Beggar's Opera," which Rich produced at Lincoln's Inn Fields and, according to the bon mot of the time, it made "Gay rich and Rich, gay."

[1] Markun, pp. 181-182

The play was really a smart under a slight at court, where Gay had been offered only the appointment of Gentlemen Usher to the royal children. It took the form of an overt attack on the government and caricatured Sir Robert Walpole with some bitterness. Under the guise of thieves and highwaymen, it satirized society and the governing classes. It gave great offence because its allusions were so pointed especially the song, "Should You Censor the Age." A fight in the opera reflected one between Lord Townshend and Sir Robert Walpole. The fate of the play hung in the balance the first night until the public caught on to the political allusions in it. It played in London for 63 nights and then spread into all the great towns of England, progressing eventually to Wales, Scotland, and Ireland. By its thirty-sixth performance, say Fowell and Palmer, the opera had brought Gay between 700 and 800 pounds while his manager had made 4,000 pounds. This success encouraged Gay to set to work on a sequel under the title "Polly."

When the play was ready for rehearsal, the Duke of Grafton, at the time the Lord Chamberlain, acting under express instruction of the King, who in turn was influenced by the caricatured Walpole, bent to forbid the representation. This censorship gave the play an interest not quite justified by its literary and dramatic merit, one of the most frequent arguments against censorship. Its prohibition resulted in a party question; and when the play was published in book form, it achieved an extraordinary success, every opponent of the court taking an interest in its sale.

It was marked by the staunch patronage of the Duchess of Marlborough, who gave 100 pounds for a single copy, and for enlisting subscribers to the book within the palace itself, the Duchess of Queensberry was forbidden the court and the Duke resigned his appointment. The Duchess wrote her famous letter in reply, accusing Grafton of failure to use true judgment or honor in the whole affair. "Polly" was not produced until 1777, when it was brought out by Colman the elder, with some alterations, but its publication as a book made more money than if it had been presented when it first came out. Its publication brought Gay well nigh 2,000 pounds and he became not merely a political stalking-horse but a popular martyr. The incident was not a brilliant success from the censorial point of view, but merely served to advertise the play, and heated current political controversies to an uncomfortable degree. The only people who emerged with credit from the business were Gay and his dramatic associates. The whole "Polly" episode was nothing more than pure revenge for Gay's honest and open satire in the "Beggar's Opera." The "Beggar's Opera," which had played for 63 consecutive days was revived the following year (1729) in addition to serving its point as direct satire on the administration. It also helped to drive out Italian opera. Later, when it was printed, moralists felt that without music, it inspired all sorts of vices and gangs of robbers, and in 1772 Sir John Fielding, the magistrate at Bow Street, asked the managers not to revive it.[1]

[1] Fowell and Palmer, pp. 129-133
Kingston, pp. 513-515
C.H.E.L., Vol. X, p. 79

In Gay's day there were six London play houses. About 1730, the clever young Gifford and his wife took over and rebuilt the theatre in Goodman's Fields. This indirectly helped the efforts of Fielding, who spared with his trenchant wit and keen satire neither the king nor his ministers in his plays. Walpole was not the kind of man idly to tolerate a succession of attacks by playwrights. The futility of his attempted suppression of "Polly" had doubtless left him well inclined to seize any favorable opportunity for muzzling these inconvenient critics, among whom the name of Henry Fielding stood prominent.

In 1735, Sir John Barnard brought in a Bill "to restrain the number of houses for playing of interludes and for the better regulation of common players of interludes." At first the Bill was received with hilarious contempt and ridicule, but Walpole finding his position had become intolerable and seeking to secure some relief, made a passionate defense of the bill and then in turn other ministers took it up and in the end the House, convinced of its necessity, gave leave to have it brought in. Curiously enough, the Master of Revels protested hotly against the proposed legislation. The Bill was read a first and second time, and then the crafty Walpole, seeing the House fairly sympathetic, endeavored to insert a clause ratifying and enlarging the powers of the Lord Chamberlain. At the same time, he insinuated to the House that, unless this addition was made, the king would not pass the bill. The actors created a great commotion when they saw that limitation to three patents made a corner on the theatre so that

the patentee could not dictate terms. Sir John Barnard, who was a busy-body anyway, opposed the government clause to increase the power of the Lord Chamberlain, which he considered already too great and too often wantonly exercised particularly in the prohibition of "Polly." The factions in town took sides, the merchants nearby rooting for retaining the theatre of Fielding. The whole thing ended in the announcement by Sir John Barnard of his intention of withdrawing the Bill and awaiting another opportunity for introducing it, rather than to establish by law a power in a single office so much under the direction of the Crown, a power which he felt would be exercised in an arbitrary manner and consequently attended with mischievous effects.[1]

THE PLAY HOUSE BILL OF 1737

A situation like the one in connection with "Polly," where one play was censored in revenge for an earlier one, repeated itself once again in 1737 and as before was manipulated by Walpole. In 1736 several dramatic works by Fielding particularly offended Walpole. Fielding's now famous "Historical Register for 1736," a review of topical allusions that could be annoying to authorities, stung Walpole by its traversty of himself, showing the character Quidam distributing purses red-handed among his supporters. Then Fielding's "Tumble Down Work or Phaeton in the Suds" with its political allusions pleased the town but not authority, and lastly his play "Pasquin," which irritated authority, but curiously did not perturb the politicians. "Pasquin" is a mock rehearsal of two plays: one a comedy, "The Election;" the other a tragedy, "Life and Death of Common Sense."

1 Kingston, p. 516
Fowell and Palmer, 133-134

It was produced in the Haymarket Theatre in 1736 and marked Fielding's return to the London dramatic world after a long absence. The play ran fifty nights and had considerable vogue. The first of the two parts lampoons the corrupt political practices of Walpole's time and the second part, not stopping at political satire, reduces to ridicule dramatists, poets, actors, and middle-class moralists.[1]

We have already seen how Walpole, who cared nothing for the virtuous conduct of play-houses, interested himself in Sir John Barnard's Bill in 1735 only for the purpose of suppressing political plays. In this connection he had evidently over-reached himself and the rebuff doubtless made him more vindictive toward his dramatic opponent.

He waited quietly for a fresh opportunity to crush him and the next time no mistake occurred. In fact, the incident which provided him the opportunity ran so smoothly that Walpole has frequently been accused by historians of greasing its progress in a discreditable manner. Since he didn't dare tell why he thought to suppress the drama, he directed his wrath against the "Golden Rump," a particularly scurrilous, offensive, and obscene play which suited his purpose beautifully. The play, written possibly by an agent provocateur of the government to save the face of the House of Commons to enable it virtually to pass an Act for its own protection, was submitted to Giffard,

1 Kingston, pp. 515-516
Palmer, John, p. 35
Boston Public Library Bulletin "More Books" June, 1939, p. 260
C.H.E.L. Vol. X, p. 79, 93-4

the manager of the theatre at Goodman's Fields. Its attacks on the ruling powers seemed so extravagantly bitter that Giffard carried it to Walpole. If Walpole had been the instigator of the "Golden Rump," it proved a boomerang; for Giffard, whose intentions may have been to request the advice of the Minister on the matter or to extort a sum of money from him to prevent its representation, brought the piece to him.

Walpole retained the copy and paid Giffard the profits which might have accrued from its public performance. He then made copious extracts of the more scurrilous references, including some glancing hits at Royalty, and, after submitting these to members on both sides of the House of Commons, read them in their entirety to the House.

The manuscript of the"Golden Rump" proved the proper stimulus to censorship and with its manuscript in his hand, Walpole had a valid pretext for introducing, at the close of the cession of 1737, his famous Playhouse Bill, conferring on the Lord Chamberlain a statutory power of licensing stage plays.

According to the statute, no patent or license of the Lord Chamberlain was to be granted for any performance except in the city and the liberties of Westminster, and

and in such places where the sovereign in person might reside and then only during his residence. Though the Lord Chamberlain could license other theatres if he felt that they were proper within the city and liberties of Westminster, the patentees, trying to tie up the actors, helped the Bill along to their own detriment. The Bill further required a copy of every new play to be sent to the Lord Chamberlain not less than fourteen days before the proposed performance. It empowered him to prohibit at any time and anywhere in Great Britain, the performance of any play; it imposed heavy penalties on those who should perform any play in an unlicensed theatre or any prohibited or any new play without the sanction of the Lord Chamberlain or of the letters patent from the Crown. Offenders against the new law were to be punished by a fine of fifty pounds and offending managers or the company were to lose the grant, license, or authority of the play-house. Although the Bill became a law with extraordinary expedition, it must not be thought that it did not have opponents, for it had, outstanding among whom was Lord Chesterfield, who maintained that such powers should not be vested in one man and that there should be no excise on wit.

Chesterfield's opposition was due largely to the fact that he believed the Bill was a prelude to an attack against the press

and authors. However, there can be no denying the fact that had it not been for Walpole, the pulpit, the press, and plays would be today on equal footing. The Theatres Act of 1737 pulled up the general movement towards free thought as far as that movement had been affecting plays and players. The pulpit and the press went their way on historical developments. The theatre became arrested and has remained ever since in a position that today is clearly exceptional.

The effect of Walpole's Playhouse Bill was more far reaching than merely the extension of the power of the Lord Chamberlain, for it saved the government from further exposure. It had another result, we have already mentioned, in checking the power and advance of the theatre with the press towards freedom under law. If the House of Commons hadn't been trying to avoid criticism of the stage, no doubt the Lord Chamberlain's prerogative powers would have disappeared into the licensing laws, but Walpole's Act originated and kept alive the idea that the theatre was in a different category from every other institution logically similar in intention. However, Walpole's Act was practically repealed by the Statute of 1843 by which theatres today are regulated.

As a result of the Bill William Chetwynd was sworn in licenser of the stage under the Lord Chamberlain, the Duke of Grafton, with a salary of 400 pounds a year, but in order to lighten his assignments, he was allowed a deputy with an additional salary of 200 pounds a year.[1]

1. The information about the history and the passing of the Playhouse Bill of 1737 was taken from the following sources: "Cambridge History of English Literature," Vol X, pp. 25-26, 75; Fowell and Palmer, pp. 133-38, Palmer, John, pp. 20, 35-44; Buchan, p. 341, 374; Kingston, pp. 516-517; Jones p. 277

Although the new Bill was very popular inside the House of Commons, it was not so with the general public and for a time the play-going public had a closed mind against accepting any theatrical piece favorably. The animosity of the public against the stage but really against the Bill continued for some time. For instance, in 1738, there appeared at the Haymarket Theatre by authority a French company of comedians in "L'Embarras de Richesses." The public was stunned to the quick when the announcement appeared for their playing, with the word "authority" placed at the top. They filled the house with the noises of cat-calls, bells, etc. against the stage and the miserable comedians suffered for sins that were not their own. The military were called in to secure the uninterrupted performance of the piece, but their appearance caused tremendous indignation and a riot was only narrowly averted.[1]

The many ingenious ways that the new Act was continually evaded reminds one forcibly of the similar subterfuges that were used between the closing of the theatres and the Restoration in the preceding century. For instance, a play would be performed under the name of a rehearsal, tickets being purchased in some private house near the theatre. Another method was to give a performance under the title of a "Concert" by a school of actors. It was the intention of the government to have no theatres according to the Act except Drury Lane and Covent Garden. The theatre

[1] Fowell and Palmer, pp. 140-141

in the Haymarket was not able to obtain a license for twenty years and was only opened intermittently by devices such as these.

John Kelly's "The Levee" was refused a license after it had been accepted at Drury Lane, 1741-4. The little play, say Fowell and Palmer, has but scant claims to dramatic merit, but cannot reasonably be regarded as offensive or subversive of morals. Quoting the Rev. John Genest, they add that its censorship cannot be justified on any grounds and this refusal to license [illegible] it was flagrant proof of the folly of subjecting the theatres to the caprice of a single individual.[1]

In 1742, Garrick played "Richard III" at the theatre in Goodman's Fields, which for some time escaped the operations of the Act by its remoteness from the West End. But Garrick's success was great and immediate and ruined the theatre. Since everyone talked of the performance, the Lord Chamberlain heard of it and the theatre was promptly closed.

Another famous instance of evasion of the Act was in connection with the Haymarket Theatre, which had originally been known as the New French Theatre at its opening in 1720. In 1730, when it was occupied by an English company, it began to be spoken of as the Little Theatre in Haymarket. In 1745, after several managers had opened with a provisional and temporary license, Theophilus Cibber opened it without a license of any sort evading the usual penalty by an advertisement such as this:

[1] Fowell and Palmer, pp. 154

"At Cibber's Academy in the Haymarket will be a concert after which will be exhibited gratis a rehearsal in the form of a play called 'Romeo and Juliet.'"

It is supposed that Cibber was given a broad hint to stop this trick, for in the same year later he announced:

"Mr. Cibber's company being busily employed in reviving several pieces are obliged to defer playing until further notice."

In 1747 Samuel Foote succeeded Macklin as manager of the theatre, holding that post for some thirty years. At that time, the house was daily crowded by fashionable audiences to see Samual Foote's humorous entertainment, but the Westminster magistrates interfered and Footewas forced to hit on the device of summoning his friends for a specified date at noon to take with him a dish of chocolate or tea,and tickets were obtainable at George's Coffee House, Temple Bar. Upon the invitation would appear such a note as this: "Sir Dilberry Diddle will be there and Lady Betty Frisk has absolutely promised." A large portion of the entertainment consisted of clever satirical imitations of the principal actors of the day. In the same year, we find Foote giving tea at 6:30 at the Haymarket. Another common-place trick was resorted to by the Strand Theatre, which opened without a license and was promptly closed by the Lord Chamberlain when the patent theatres brought the matter to his attention. In 1834, say Fowell and Palmer, it was opened again "admission gratis." At an adjoining confectioner's, people paid four shillings for an ounce of lozenges while with half an ounce of peppermint drops one was handed a ticket for the pit.

As in the age of Puritanism when such trickery was necessary to preserve the traditions of the stage, so too were similar devices used at this time with of course the Chamberlain and his emissaries making sporadic descent with disastrous consequences to the profit.

As a peace offering in 1766, Foote was granted a patent to establish a new theatre and purchasing his old premises at the Haymarket, he erected a new building which he opened in 1767. It was supposed that the granting of this patent was in compensation for a trick played on him at Lord Mexborough's when a party of guests played a joke on him mounting him on a high-mettled horse, which threw him and fractured his leg in two places.[1]

The first play to be banned after the passing of the Playhouse Bill was Brooke's "Gustavus Vasa." This was prohibited in 1739 as dangerous to public order because there was a good deal in it regarding liberty. Such a statement suggests the dictum of the mid-Victorian, Mr. Donne, who would suffer no oath, no mention of God, and no mocking of State.[2] The licenser had Brooke's play in his possession for 21 days whereas the law allowed him only 14. The play had already been rehearsed several times before it was stopped, and it was thought that Walpole was probably at the bottom of the prohibition. Although Brooke denied that in a prefatory note to the play in book form, it was surmised that Walpole was to be lampooned in the character of Trollis, the king of Denmark and Norway. The publication of the play proved im-

[1] Fowell and Palmer, pp. 140-144.

[2] Kingston, p. 518; Palmer, John, p. 44.

mensely profitable because the public, incensed at the Chamberlain's interference, bought the book avidly at the subscription fee of 5 shillings a copy, netting Brooke a profit of over 1000 pounds. Brooke maintained that patriotism was the great and single moral which motivated his play. The play, incidentally, under the title of "The Patriot," was produced with great success in Ireland, where some of the sentiments expressed in it relative to Sweden were construed as applicable to Ireland. England's vast body of satire was increased in connection with this play while Johnson published anonymously a stinging and satiric pamphlet entitled "A Compleat Vindication of the Licenses of the Stage from the Malicious and Scandalous Aspersions of Mr. Brooke, author of 'Gustavus Vasa,'--with a proposal for making the office, of Licenser more extensive and effectual."[1]

Also in 1739 James Thomson's connection with the Prince of Wales (who had granted him a pension of 100 pounds a year) indirectly involved the censorial rejection of his play, "Edward and Eleanora." It is thought that the play alluded too freely to the royal family's dissensions. It was founded on a quite apocryphal episode in the history of Edward I and was subsequently printed as it was to have been acted, that is, without the editing of such phrases as "for the blood and soul of me," which were apparently too vile to be spoken on an English stage.[2]

[1] Fowell and Palmer, pp. 145-147

[2] Kingston, p. 518; Fowell and Palmer, p. 148

Before 1751, there were no regulations of entertainments outside the theatre but an Act in 1751 made them subject to legal special supervision, Until a few generations ago, there was a very definite line between the theatre and the music hall. This was a legal line of demarcation, which gave the theatre the absolute right to the performance of stage plays. There was a further line of demarcation, says Henry Arthur Jones, in the character of the entertainment given at music halls, which were generally of a rather low, disreputable, and sometimes indecent character. Further, there was also a pretty general line of demarcation between the audiences who attended the theatre and the music halls respectively so that until about the late 1800's there was a reason for the separate licensing and the separate regulation of theatre and music hall. In the last fifty years or so, the music halls have raised the character of their entertainment and have grown into a more and more respectable class. Before that time, they had illegally more and more encroached on the right and reservations of the theatre. This improvement of the music hall entertainment took place when music halls began the illicit performances of sketches and little plays. At first these sketches, being illegal, were prosecuted,and the managers of the music halls were heavily fined. The prosecutions were instituted until it became very evident that it was impossible to prevent performances of sketches in music halls. Speaking in the 1880's, Jones said that if these

prosecutions were continued there would be 150,000 of them annually. Law-breaking by that time had become so frequent and so respectable that it was quite useless to continue proceedings against the law-breakers, and the censorship committee, reporting at the time, found that the performance of sketches in music halls was a practice too firmly established to be uprooted and that the public should not be deprived by force of law of the pleasure of witnessing whatever form of entertainment those who catered for their amusement are able to provide.

Jones felt that the legal differentiation between the theatre and the music hall should be abolished and that each should be allowed to present whatever form of entertainment it desired.[1]

In the course of our study, we have come across many examples of unofficial censorship which might be termed social censorship or the censorship by society or special groups within society. In 1784, the Rev. John Jone's "Tragedy of Scotland" was produced in Edinburgh. He had to give up his charge at Athelstaneford as a result, but many ministers were frequent attenders of the play house a few decades later. This is good proof of how slowly music and dancing came into respectability.[2]

In 1771, Reed's "Register Office" was sent to the Examiner by Garrick and Lacy and returned marked "not thought fit to be acted."

1 Jones, P. 277-281

2 Markun, p. 53

In the same season a little later, the manager ventured to lay it again before the Lord Chamberlain with some alterations and it was licensed though not without many words and remarks by the Examiner.[1]

The moralists were at work in this age as they had been in earlier ones. The Methodists were taught to consider play-going extremely sinful and their opposition was confirmed (not indeed that it required confirmation) by the appearance of several comedies which mocked the movement, and we find Goldsmith's "She Stoops to Conquer" making Tony Lumpkin singing a ditty derogatory to them.[2]

The comedies of Richard Brinsley Sheridan are sometimes credited with putting an end to the Restoration comedies and to the glorification of gallantry and seduction on the stage. As a matter of fact, virtue had gained control of the theatre some decades before his works were first presented. However, his plays do help us to understand the moral tone of England in the 1770's.[3]

In 1774, we find that the moralists attempted to force the discharge of Charles Macklin from the theatre and formal public acting because some years earlier (1735) he had been found guilty of manslaughter when he had been indicted for the murder of Thomas Hallam, who died from a mortal wound resulting from Macklin's thrusting a stick into his eye during an argument over a wig.[4]

1 Powell and Palmer p. 154

2 Markun p. 213

3 Markun, p. 191

4 Tracts on The Drama, No. 3

In what Fowell and Palmer consider a pretty little incident the censorial ban descended again in 1775, this time on another play entitled "Trip to Calais" by Foote, all of whose plays had been conceived with the idea of caricaturing some well-known individual. In this one, he decided to honor Elizabeth Chudleigh, the self-styled Duchess of Kingston. The fair Elizabeth's life had not been without incidents likely to attract the attention of dramatists. From her first really serious love affair at the age of 15, she became steadily more and more famous or perhaps I should say notorious, and history reveals her as a person in whom this and that personage took a strong interest. As maid of honor in the court of the Princess of Wales, she was remarkable for the freedom and indelicacy of her conduct. On one occasion in 1749, she appeared at a masked ball in the character of Iphigenia so naked, according to Walpole, that she might have been taken for Andromeda. King George II pretended to be in love with her and gave her a watch which "cost five and thirty guineas out of his own privy purse and not charged on the civil list" and made her mother housekeeper at Windsor, a position of considerable profit. As mistress of Evelyn Pierrepoint, her parties were the best arranged and the most fashionable in London and much frequented by foreign ambassadors. Another one of her admirers was Frederic II, who paid her considerable attention and sent her some little notes, discreet portions of which she used to show in after days.

Foote's character of Kitty Crocodile in his play was inspired by his impudent attempt to ridicule her. She sought him out and offered him 1600 pounds to suppress the play but he refused and

and her friend, Lord Mountstuart, prevailed with the Lord Chamberlain Lord Hertford, to forbid its production. Elizabeth was not too certain that Foote would not produce the play, so she wrote him an abusive letter thereby delivering herself into his hands, for he in turn replied in some brilliantly clever answers, which left him easily the master of the situation. In the following year, the play appeared under the title of "Capuchin" but with many alterations. The Lord Chamberlain, add Fowell and Palmer, with his official powers was evidently a handy man to have in court circles when one's mistresses were to be lampooned.[1]

The public was for once on the side of the players when in 1777 it objected to French players on a stage from which English actors had been ousted. A French company on the stage was protected by soldiers when the curtain rose, to maintain the king's authority. The audience demanded their removal and there was great confusion until finally the French ambassador left and the curtain fell.[2]

We have had several examples so far of a censor retaining a play for his perusal over a longer period than the time allotted by law, but probably the classic example of this is Charles Macklin's "Man of the World," which was refused a license by the Lord Chamberlain and remained in the licenser's office for ten years and was then recovered only with difficulty. The play had already been produced in Dublin in 1766 as "The True-born Scotchman" and Macklin

[1] Fowell and Palmer, pp. 152-154

[2] Kingston, p. 518

had spent years in carefully polishing the dialogue, but the licenser concluded that there was too much criticism of courtiers in the text to make it acceptable to the reigning powers and in view of the unpopularity of the ministry of the time, he prohibited its performance. The whole incident typifies the conceptions of censorship at that time, the censor being regarded chiefly as an instrument for stifling criticism of political corruption and tyranny. The piece was ultimately a great success. Macklin felt that its prohibition had been unfair because in it he had included nothing offensive to virtue, morality, decency, or the laws of the land, but rather to his mind was the piece in support of all these things. The Lord Chamberlain refused to assign any reason for his keeping Macklin's copy of the play. When threatened by Macklin that he would resort to the laws of his country for redress, the Lord Chamberlain told him that he would but expose himself and that they had kept the copy by the usage of the office. Fowell and Palmer feel that it is a little far-fetched even to think of the precise gentleman that Macklin was being branded as a seditious or a demoralizing author, a man who characteristically begged his daughter never to write an abbreviation like "couldn't," "shan't," or "wouldn't" as vulgar, rude, ignorant, unlettered, and direspectful. Yet he rubbed the fur of censorship the wrong way.[1]

But few changes of importance had occurred since the passing of the Theatres Act in 1737 with the exception of a new Act in 1788, which empowered Quarter Sessions to grant licenses for

[1] Fowell and Palmer, p. 150, 152

occasional theatrical performances in the provinces.[1]

In 1788, Shakespeare's "King Lear" was prohibited on the English stage until 1820 probably out of respect to King George III's acknowledged insanity when the royal duties were transferred to a Regent.[2]

This brings out the idea as have so many other cases of censorship in this study that what is acceptable to a censor in one age and under one set of circumstances may not be at all acceptable under others.

No doubt the work of the censor must have justified itself in his mind in the light of the aid it received from private sentiments against the theatre or the works of dramatists. In 1790, Mrs. Hannah More issued an "Estimate of the Religion of the Fashionable World, by One of the Laity" intended to make the upper classes pietistic (her work was not restricted alone to the upper classes for much of it was devoted to religious and moral instruction of the poor). As Mrs. More became a violent enemy of the theatre, her revenend and early Victorian biographer disapproved of this last moral attack, saying that she turned respectable people away from the drama and therefore caused it to become almost as objectionable as it had been in the time of Charles II.[3]

In 1815, Coleridge said, "Shakespeare's works are too indecent to be translated--his gentlefolk's talk is full of coarse allusions such as nowadays you could hear only in the meanest taverns.[4]

1 Rowell and Palmer, pp. 289

2 Haight, pp. 19-20

3 Markun, p. 222

4 Haight, pp. 19-20

In 1795, Lady Eglantine Wallace submitted the "Maid" to Mr. John Larpent, the then Examiner of Plays, for his approval. The play was to be given at Margate for the benefit of the poor of Thanet. The house was overflowing when it was announced that Mr. Larpent had discovered that there were exceptional political sentiments in it, though, according to the authoress's own statement, he previously found no objections to it. Lady Wallace sent a long letter to the Lord Chamberlain, who answered her very civilly but refused to override his subordinate's judgment. Fowell and Palmer find it difficult to conceive what the real objections were to the play. They suggest perhaps the passage which might pass a reflection on the connection between royalty and a certain lady who was commonly called "fat, fair and forty." The play, not at all brilliant from a dramatic standpoint, lacks anything that might be called coarse, suggestive, or indecent. Larpent found himself in a rather ludicrous quandary over the passage about "fat, fair, and forty." He did not know how to deal with the offending passage. If he specified and censored it, he would thereby openly be admitting its application and he might thereby lay himself open to a charge of insulting his master. On the other hand, to pass it over was even more dangerous so he compromised by prohibiting the whole piece on the ground of its "exceptionable sentiments." There are also one or two passages to which he may have given personal application and have judged them in the words of one of his predecessors as containing "too much about liberty." The incident is another instance

of "ladies of the court" being shielded from vulgar attention by an official claiming to protect public morals.[1]

Early in 1797 George Colman, who was to succeed Larpent as Examiner of Plays in 1824, and prove a turncoat to what his temperament had led his friends to expect, himself incurred the disapproval of the censor. Early in 1797, he had prepared an entertainment to be presented at the Haymarket Theatre in Lent, but it proved too strong meat for the Lord Chamberlain and was prohibited with some decision. He then published a portion of it under the title of "My Nightgown and Slippers, or Tales in Verse", which in themselves show that the Lord Chamberlain was not actuated by needless prudery. Colman's extravagantly coarse writing, undeniable wit, and disgusting morality, combined with a limited respect for conventions of royalty, led the world to believe that he was a most promising candidate for censor, especially since he had himself incurred the censorial prohibition and might be expected to appreciate the resentment caused by its arbitrary exercise. Recalling his fondness for witty indecency which should at any rate save his fellow writers from the oppression of overniceness, authors began to breathe freely again, hunted out some of their censored plays, and began to test the full breadth of their wit. But they made a very great mistake, for Colman took his appointment very seriously indeed and as censor ran true to form.[2]

[1] Fowell and Palmer, pp. 155-156

[2] Fowell and Palmer, pp. 165,167

In 1890, Larpent promptly censored a farce submitted by Theodore Hook but finally came to an arrangement when the play was adapted to his views. The second edition was entitled "Killing No Murder, a farce in two acts as performed with great applause at the Theatre Royal, Haymarket, with the original preface and the scenes suppressed by order of the Lord Chamberlain". Hook added a new preface in which he said that the refusals of the Lord Chamberlain and his deputies were as good as a dozen newspaper paragraphs to him. Hook's aim in the farce was to ridicule the Methodist preachers since he felt that the lash of ridicule might be well applied to their backs. He railed humorously against "the open and violent expressions of inspired tailors and illuminated cobblers without touching indelicately on the subject," trying to raise a laugh against what he considered the absurd union of spiritual and secular avocation characteristic of the Methodists. Once again Larpent waited until the evening previous to the performance and then announced his refusal of the license. Hook became incensed at the suggestion of disloyalty or immorality and went off to search for Larpent, who finally appeared and with a chilling look told him that the second act of his play was a most indecent and shameful attack on a very religious and harmless set of people and that government did not wish the Methodists to be rediculed. This remark naturally surprised Hook but the explanation was soon forthcoming when he discovered that Larpent was not only a rigid Methodist himself but had even built a little tabernacle of his own. It irked him to think that Larpent was receiving in addition to his other salary 400 pounds a year besides perquisites for reading plays, the bare and simple performance of which by his creed was the acme of con-

tamination, but Hook was to have his revenge and he got it by altering the offensive parts and in their places inserting speeches written purposely to ridicule Larpent himself.

Since these speeches touched on neither politics nor religion, the examiner was unable to expunge them and added Hook, "I have had the gratification of hearing the audience every night apply it properly and not only laugh at his expense but pointedly by their applause show their detestation of his arbitrary and strained prerogative." Six editions were necessary to satisfy the demand for the naturally huge rush for printed copies of the play with the expunged scenes as an appendix. This made the actual alterations futile and absurd to the last degree. The next text ran with dashes and then an expression like "what I must not mention" with an accompanying footnote telling that the term was originally a "Methodist preacher" or some such expression but that it had been altered by the licenser. Larpent considered as profane the line, "Bring my gray hairs in sorrow to the grave" and again "What! insult me in my gray hairs." A rather stupid part of one of the scenes was forbidden presumably because Apollo was mentioned half a dozen times. Even the pagan divinities, say Fowell and Palmer, were able to rest secure under Mr. Larpent's fatherly protection. The impressions created by Larpent's censorship varied very widely. Some of his critics describe him as having been very inoffensive. To say the least, he was certainly strict and careful, no doubt in his official duties living up to his religious principles. The great mistake, of course, was in ever appointing a strict and rather bigoted Methodist to any post dealing with the control of

public amusement.[1]

One further instance of Larpent's censorship was mentioned before the Committee of 1832. A witness named Morton (who was decidedly friendly to Larpent) recalled when he was asked by the Commission if he remembered any flagrant erasures from his play, that he could not. He did remember a request to omit the word "gammon" being put into one of his plays since Larpent told him that the word proved objectionable to a gentleman of that name in Hampshire when it appeared in O'Keefe's "Wild Oats."[2]

How seriously Colman took his appointment was brought out one month after his appointment when Sir Martin Shee's "Alasco" was submitted to him by Charles Kemble. Colman agreed to submit the play to the Lord Chamberlain for his license provided his erasures and recommendations he observed. He felt that, although the ferment of the time had greatly subsided, still plays built upon conspiracy and attempts to revolutionize the State stood upon ticklish ground and the proposed performance of such plays was to be contemplated with more jealousy when they portrayed the disaffected as gallant heroes and hapless lovers. Portrayed thus, their showy qualities and tender distresses of the heart were inclined, he felt, to throw a dazzle and an interest round their sedition while they preached up the doctrine that government is tyranny, that revolt is virtue, and that rebels are the righteous. Colman's attitude in connection with this play was characteristic of that which he maintained during his period of office, which ran until 1837. The passages which he deleted show that he pounced on anything like a liberal thought with feverish zeal. He prohibited the word "despot" and objected to the expletive, "Oh, God."

1 Fowell and Palmer, pp. 157-161

2 Fowell and Palmer, pp. 162

He refused to allow such terms as "tool of state" and "knaves in place." Every incitement to fight for liberty or to protest against oppression and tyranny or even mild references to religion were ruthlessly deleted, even though the setting of the play was not in England nor had reference to English conditions and problems. These few instances are typical of his petty tyranny. His first acts were those of petty tyranny and his next those of grasping cupidity. One of the most licentious writers of the age, he is said to have out-Heroded Herod in his new authority. Fowell and Palmer feel that he was eager to justify his position and therefore had to go to greater extremities in order to demonstrate his authority at all than Larpent every had, since Larpent had put up a pretty high standard of authority to which authors had to conform. Contrasting the two, they say that Larpent ruled the imagination of dramatic authors like a hectic nun, but Colman rode it like a nightmare. He denied the right of a dramatic lover to call his mistress an angel since an angel was a character in Scripture and the term was not to be profaned on the stage by being applied to a woman. Nor would he license any reference whatever to God,even as mild a reference as the word Providence. He was apparently desirous of reviving an old statute enacted under James I in 1606 which fined an offender 10 pounds if he should in any stage play, interlude, show, May game, or pageant jestingly or profanely speak or use the holy name of God, Christ Jesus, or of the Trinity. Heaven and hell, lud and damn, were words which Colman could not bear to see in a play. In testifying before the 1832 Commission, Colman refused to admit that some of the wittier oaths in hisown play had contributed to their success. When he took the censorial pen in hand, waves of repentance came over him and he is known to have removed from one of his earlierplays because of its improper suggestion the reference

of Eve's having had no pin money, since all allusions to the Scriptures were best avoided. In connection with another play, Douglas Jerrold's "The Bride of Ludgate," in which Charles II figured as the hero and was disguised as a priest come to marry a young couple, Colman insisted that in the present state of the bishops the character should not come on as a priest but in some other guise as say a proctor, to which ruling Jerrold was obliged to submit. In another drama, this one by John Banim, Colman objected to some lines to be chanted in a foreign cathedral by monks and nuns. The passage made it essential to the action of the piece. The poetry was beautiful. Although none of the names of God were mentioned at all, Colman was obdurate and ruled that no address to the Deity should be permitted on the stage. He is supposed once to have said that if the "Merchant of Venice" had been submitted to him as examiner, he would certainly have expunged such lines as, "It is an attribute of God himself," although he doubted that he had the power to do so now as the play had been licensed so long before. But he admitted that however desirable such a process might be, a modern audience would not allow any further meddling with the text of Shakespeare.[1]

And now we come to the other determining factor in Colman's career as a censor, his cupidity.

[1] Fowell and Palmer, pp. 167-176
Filon, A, The English Stage, p. 85

The question of fees became an acute one with him and he seems to have studied the career of his predecessor Herbert to some advantage. He displayed a reckless and watchful anxiety to increase his fees on occasions that former licensers had neglected. Frequently, he would call on actors to know by what authority they advertised a new song or musical interpolation, many of them well known to the public but not specifically licensed. He asserted such songs, glees, etc. should be duly and separately licensed by him at a fee of two guineas a time. This new ruling was an intolerable one but for a time there seemed no way of evading it. However, one actor known as little Knight conceived the clever idea of stringing together all the songs, poems, imitations, etc. which he wished to make use of, connecting the various items with rubbishy and irrelevant dialogue. The whole innocuous conglomeration was then submitted to the examiner and licensed as one play, after which the connecting dialogue was ignored and the songs and glees used as and when required. Colman went so far as to make a tentative claim to license oratorio and on one occasion sued Mr. Lawes as a sort of test case, but the Lord Chamberlain dropped the claim. Fowell and Palmer find it hard to suppose what the examiner would have done with an oratorio since no address to divine persons was to be admitted on the stage. On another occasion Arnold was mulcted in the stereotyped two guineas for a license for a lecture on astronomy by Mr. Bartly at the Lyceum.[1]

[1] Fowell and Palmer, p. 178

In 1825, Miss Mitford fell under Colman's ban, for her manuscript submitted through Kemble of "Charles the First." Considering the nature of the subject and incident as exceedingly delicate, Colman sent the manuscript to the Lord Chamberlain at the time in Scotland, who formed his own judgment upon it and decidedly refused to license its performance. He felt alterations in the play would not do much good since the subject and the incidents the subject embraces were fatal in themselves, morbidly lying in the very bones and marrow of the historical facts and therefore defying eradication. However, he conceded Miss Mitford full credit for the harmlessness of her intentions although he added a contemptuous insult in saying that mischief may be unconsciously done just as a house may be set on fire by a little innocent in the nursery. The play was subsequently disposed of on very good terms in 1834 but its performance at the patent theatres was of course impossible, and after a few surreptitious and unprofitable performances at the Coburg, it expired. Fowell and Plamer see nothing more than outrage in the censoring of the delicate, reticent work of Miss Mitford by the coarse thumbs of Colman, whose wit stank of the cesspool, and they cite for contrast such a coarse work by Colman as his own "The Elder Brother." [1]

Colman, we find, had one amiable trait in his character and that was, having once damned an author's play, suggesting to the ill-used playwright a quiet way of evading the censorship. In

1 Fowell and Palmer, pp. 177-182

1829, Frederic Yeates submitted a play to Colman, whose suggestions were so drastic that the author was moved to a hot protest. In a letter to Yeates, he suggested that the play would have to be printed in strict accordance with his obliterations but if the parts were previously given out, it would be difficult to induce the actors to preach from Colman's text.[1]

When the French plays were produced in 1829, three or four light pieces were performed each evening, being seldom repeated. Colman preposterously claimed two guineas for each of these trifling pieces but his claim was peremptorily quashed by the broad-minded Lord Chamberlain, the Duke of Devonshire; his successor, the Duke of Montrose, was more sympathetic to Colman through whom he announced that his predecessor's ruling was now reversed and the customary fees would have to be paid. The moral value of Colman's insistence was pretty clearly shown in the sequel when he offered to license all the plays which had already been produced, to the number of about 150 in one license, a proposal which showed general indifference as to what ribaldry, blasphemy, or disloyalty they might severally contain, in case of their being repeated.[2]

We have already considered some of the devices which were employed to evade the drastic terms of the 1737 act. The Lord

1. Fowell and Palmer, pp. 176-177.

2. Fowell and Palmer, p. 179.

Chamberlain license. The Haymarket for the "legitimate," the Lyceum and St. James's for musical performances, and the Olympic and Adelphi for "burlettas" (defined as plays containing not less than 5 pieces of vocal music in each act.) This made all other metropolitan theatres actually illegal. The power of the local magistrate was confined to granting licenses for music and dancing, which might cover ballets, pantomimes, and equestrian performances, but could not possibly extend to dramatic representation.

As a result, all the others like Astley's, the Surrey, the Victoria, and the City of London, the Pavillion, and the Garrick Theatres in the West End existed on sufferance and adopted some of the absurd subterfuges we have noticed, the commonest of all being to have a piano tinkling continually in a transparent attempt to give the performance a legal standing. The Strand Theatre actually went on its way in flat defiance of the Lord Chamberlain's authority. During the decade, 1830-40, the injustice of this chaotic state of matters was rapidly becoming unbearable. The patent theatres were making no effort to preserve the legitimate drama from extinction but clamored loudly of their privileges whenever the smaller houses attempted to trespass on their domain. The class of entertainment at the patent theatres was rapidly lowered and soon the patentees came to rely mainly on cheap melodrama, tame wild beasts, etc.[1]

[1] Fowell and Palmer, pp. 289, 290

In 1832, on the motion and under the chairmanship of Mr. Lytton Bulwer, a Select Committee of the House of Commons started to review the operations of the Act of 1737. It reported in favor of some unimportant changes in the authorities which should license, and in the principles upon which they should proceed and recommended the retention of the Lord Chamberlain's censorship over plays themselves. The general lines of this report were followed in 1843, when Parliament passed the fresh statute for the regulation of the theatre.[1]

The 1830 Select Committee further commented on the approval of the stage, which should be recognized and confirmed in every possible way. It bluntly stated that one reason for the admitted decline of public taste was the absence of royal encouragement as well as the slender encouragement afforded to literary talent to devote its labors toward the stage. The royal family in England has varied very largely in different periods in the amount of patronage it has extended to the stage. As a general axiom, people look to royalty to honor notable achievement in science, discovery, arms, or sport by its presence, and so also they look to royalty to honor those who endeavor to raise the intellectual and artistic standing of the nation, whether it happens personally to sympathize with them or not.[2]

1 Fowell and Palmer, pp. 289-290

2 Fowell and Palmer, pp. 348-349

According to Fowell and Palmer, the individual censors became less interesting with the death of Colman. The post fell to less distinguished holders and the Lord Chamberlain became more steadily the actual official. The names of Colman's successors were as follows: Charles Kemble, the actor, of whom it was said that he enjoyed the office of Examiner of Plays, which was to him a sort of sinecure as he discharged it by deputy, followed Colman in 1836. His son, John Mitchell Kemble, held the office from 1840 till his death in 1857. During the latter's office its duties devolved, due to the absence of Kemble abroad, largely upon William Bodham Donne, who officially succeeded Kemble in 1857 and held the office until 1874, when it was assumed until 1895 by Mr. E. F. S. Pigott, who was the most notable and perhaps the least well-suited for the post. Something of the nature of Pigott's censorship can be drawn from the protests which Fowell and Palmer cite of a serious critic in the Saturday Review in 1895, who protested against some unwise panegyrics at the time of Pigott's death. It berated him for possessing vulgar, insular prejudice, cheap theatrical sentiment, incompetence, and the many things that he had on the brain, and they included French immorality, American indecency, the womanly woman, the divorce court and the "not before a mixed audience" complex. The only definite thing discernible (says his critic) in a welter of intellectual confusion was his conception of the English people rushing towards an abyss of national degredation in morals and manners, and only held back on the edge of the precipice by the grasp of his strong hand. Pigott was frequently absent abroad and during those absences illegally appointed a deputy to act for him. This deputy, George Alexander Redford, was

the logical candidate for the appointment in 1895; he resigned in 1911, and Charles Brookfield, after a nominal appointment as co-examiner with Ernest Bendall, took up the duties of the post in 1912.

But to get back to my chronological study of the story of dramatic censorship, we have seen how in defiance of the law in 1737, which limited the theatres to two, other theatres sprang into existence and by many undignified shifts, they succeeded in avoiding sudden extinction at the hand of the Lord Chamberlain and in increasing their number and importance. The Cambridge History says dramatists who wrote for them were necessarily ill paid and the drama which they produced was also necessarily ephemeral, but not only was every such theatre liable to be closed at a moment's notice, each work of dramatic art had to masquerade as something other than a play--to be interspersed with music or dancing or exhibitions of performing animals--in order that its producers might persuade themselves or the Lord Chamberlain that they were not breaking the law. The illegitimate houses were not legalized until the year 1843 under the Theatre Regulations Act. There was added to these disabilities the deterrent effect of the Lord Chamberlain's power to ban the performance of plays on the ground of seditious, blasphemous, or immoral matter contained in them, and the effect of this power prevented the drama from concerning itself with any of the subjects about which intelligent people think and feel, and this restriction militated against the production of good plays long after the Act of 1843 had given the public the right to have practically as many theatres as it

liked, in which to develop the kinds of dramatic production which it required.[1]

FROM THE STATUTE OF 1843 TO THE PRESENT DAY

The statute of 1843, or the Theatres Regulation Act as it was called, is the one by which theatres are today regulated and the one which removed the limitations of theatres too as specified in the Walpole Act of 1737, but as far as censorship is concerned, the 1843 Act made no practical difference and that is why, I suppose, William Archer says that the history of dramatic censorship in England ended in 1737.[2]

The Theatres Act of 1843 gave the Lord Chamberlain a three-fold authority. First, it gave him the power to license theatres; second, it gave him the power to license plays performed in the theatres; and third, it gave him the power in special cases to close the theatres summarily. Stage plays are everywhere prohibited except in authorized places. The licensing of a building lies with the Lord Chamberlain in London, and in Westminster and in those areas which constituted, in 1843, the boroughs of Finsbury, Marylebone, Tower Hamlets, Lambeth, and Southwark (which were metropolitan boroughs at that time), and in the town of Windsor and other places of royal residence. As regards provincial towns, with the exception of Margate, Bath, and Windsor, the Lord Chamberlain has no jurisdiction at all so far as the licensing of the theatres themselves are concerned, though he has claimed, and, in one or two cases, exercised jurisdiction as regards to stage plays performed.

1 C.H.E.L., Vol. XIII, p. 285

2 Palmer, John p. 43

In some of the provincial towns there have been patent theatres granted a license by letters patent passed under the Great Seal; but the duration granted these licenses is limited and they have in most cases died out. The Theatre Royal, Bath, and the Theatre Royal, Margate, are exceptions. The Theatre at Windsor is still licensed by the Lord Chamberlain because Windsor is still a royal residence. In the case of the Brighton Theatre, the house was licensed because Brighton like Richmond was formerly a royal residence and even after it ceased to be one, the Lord Chamberlain continued to license it from usage. In 1865, however, the Magistrates called attention to the fact that Brighton was no longer a royal residence so the Lord Chamberlain relinquished his licensing rights.[1]

The Lord Chamberlain's power of licensing theatres is absolute and is his weapon of censorship. If the management persisted in staging a play that the Lord Chamberlain refused to pass, the theatre license would be forfeited. The Act of 1843 provided for the preservation of good manners, decorum, and of the public peace. The Lord Chamberlain's authority provided in this Act over theatres and over plays amounts to a double-barrelled gun. In addition to licensing theatres, the Lord Chamberlain licenses plays and, in this respect, his jurisdiction is unlimited. Every play wherever acted in Great Britain must be read and passed by the Lord Chamberlain's examiner and be performed subject to his

[1] Fowell and Palmer, pp. 189-190

approval. Every play must receive a license and the Lord Chamberlain has the right to prohibit the acting of any play or part of it even if he had previously licensed it, anywhere in Great Britain or for any length of time this prohibition may be put into effect. According to the Act, plays must be sent seven days ahead to the Lord Chamberlain and one copy of every new stage play, and of every new act, scene, or part thereof, a new prologue or epilogue or part thereof intended to be produced or acted for hire in any theatre in Great Britain, must be submitted with an account of the theatre where and the time when it is first to be acted during those seven days. Although Birmingham and Manchester are not in the area of the jurisdiction for licenses (i.e., the licensing of theatres) by the Lord Chamberlain, he does license all plays within and without his theatre jurisdiction.[1]

The third phase of his three-fold authority lies in his power to close theatres summarily on account of riot or misbehavior or on such public occasions as to him seem fit. This is distinct from censorship in that it is very definite and ascertainable.[2] There is no real title as censor but the censor is really the Lord Chamberlain's clerk. The seven-day period begins when the

[1] Palmer, John pp. 41-47

[2] Palmer, John pp. 48

fee is paid (according to the Act) to the Lord Chamberlain or to some officer deputed by him to receive the same. The Lord Chamberlain is really responsible, but the Examiner of Plays is actually an advising clerk. He puts the seal of the Lord Chamberlain's approval on hundreds of plays seen by no other person officially. His post is one that has been filled continuously since Walpole's time. According to the Act in 1843, buildings outside the Lord Chamberlain's area of jurisdiction could be licensed for stage plays by Justices of the Peace in special session. This power was transferred in 1888 by a Local Government Act to the County Council in England and Wales, who may, if they wish, delegate it back to the Justice of Petty Sessions or the Borrough Councils within their area.

The summary power of the Lord Chamberlain to close theatres in his own area for riot, in all other places, belongs to the Justices. The Lord Chamberlain may license all plays. The local authorities have no function in this respect; whether the play be performed in the theatre licensed by the Lord Chamberlain or in one by the Birmingham County Council, it must be passed by the Lord Chamberlain, who has the power to prohibit its performance whether it be licensed or unlicensed. The Statute of 1737 conferred upon the Lord Chamberlain an unfettered power of veto with no indication of the grounds upon which he has to act. When the Bill of 1843 was passing through the House of Lords, words were inserted on the suggestion of Lord Campbell restricting vaguely his power of prohibition to cases in which "he shall be of opinion that it is

fitting for the preservation of good manners or decorum or of the public peace so to do." Lord Campbell was quite ready to invest the Lord Chamberlain with full powers to prevent any performances calculated to offend public decency or to imperil the public peace, but beyond this he did not think that officer ought to interfere with the manager's arrangements. After some disagreement as to what form the words proposed by Lord Campbell should take, the Lord Chancellor finally suggested the clause as it appears today. It is upon these words alone that the Lord Chamberlain bases his statutory powers in the operation of the censorship. The Act of 1843 defined a stage play as being taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage or any part thereof, with a partial exemption from performances at fairs.[1]

The music halls were not touched by the 1843 Act. The Lord Chamberlain has nothing to do regarding that. The theatre is a building, according to the 1843 Act, licensed for the performance of stage plays. The music hall is a building licensed according to the Disorderly Houses Act in 1751 for music and dancing. This is based on the principle that it is deemed a disorderly house if it is a house kept for public dancing and music, and has not been licensed by some public authority. This power lies in the hands of local authorities. If the building is outside the Lord

1. Powell and Palmer, op. [illegible]-[illegible]

Chamberlain's jurisdiction area, like Birmingham, the Birmingham County Council might license it for both plays as well as dancing and music. But if it happens to be located within the Lord Chamberlain's jurisdiction area, it would have two licenses, one for the Lord Chamberlain's stage plays and the other for dancing and music by the London County Council. This is called a double license. Until 1912, the Lord Chamberlain refused to license plays or sketches of performances in a London music hall, which led to a grotesque and impossible situation. Managers unable lawfully to present stage plays went ahead and broke the law, and the Lord Chamberlain carefully omitted to notice. Real playhouse managers could bring action against the variety men just presenting stage plays without a license but the same thing would happen all over again. This of course created a dead-lock, which in time resulted in a concordat between the two. No prosecutions resulted so long as the unlawful plays were of a certain specified length and limited to six characters. This was partly justified by the recommendation of the Select Committee of 1892, which advised that the law should be altered to legitimatized music hall presentations of sketches, or stage plays which they did anyway but no legislation occurred.. There was never any public sanction for the private agreement of the managers to defeat the law. The agreement was not the end of the trouble since it was never strictly observed. The absurdities increased till January 1912, when the Lord Chamberlain changed his mind

and followed the example of the London County Council and local provincial authorities, and consented to license stage plays for performance in theatres of variety. Actually, however, the Lord Chamberlain has nothing to do with music halls. His censorship of stage plays is not applicable to music halls unless they are recognized as a theatre, yet always there has been a censorship of music halls. The music hall license is renewed by local authority who can imperil its renewal on the basis of the preceding year's record regarding the advice or the warning over the character of the program. In this respect, it is very similar to the indirect censorship that exists in the United States in connection with the radio. The discretion of the local authority proves therefore absolute since it may refuse or attach certain conditions but the authority has to wait for the next licensing day in order to do it. In the meantime, threats regarding the future can at the moment extort immediate observance. In the provinces, the opposite situation exists in connection with music halls and theatres. There, the local authority touches both. The county of the Borough Council can call in a provincial manager on the mat, but practically, it never does, as it is assumed that what the Lord Chamberlain has approved must be entirely discreet and proper; so the power of the local authority, unregulated by law or tradition, amounts to censorship of stage plays by the local authority and has driven actor managers to the defense of the censorship of the Lord Chamberlain. They are afraid if plays are sent to

the provinces without first having the Lord Chamberlain's license that the local authorities in the provinces will no longer assume that every London play is not necessarily virtuous. They fear that an extension of local censorship would be a wrong-headed concession to the ridiculous modern habit of deciding delicate and different questions by counting heads in a council, and this would not touch the main point of the rightness or the wrongness of censorship. I have outlined the system of censorship since 1843, and it is that system which prevails substantially today in England. In addition, the Lord Chamberlain has an advisory board but this board has actually no legal position or authority. It is appointed on his initiative to advise him in matters in doubt and difficulty. The Lord Chamberlain is bound neither to ask nor to accept their recommendations. Some critics think that it was devised to give the public the false idea that fair treatment and a chance of survival exists for authors whose works have been considered too immoral or improper for the stage.[1]

The year 1844 provided an excellent example of the efficiency of censorship as exercised by the public itself. When Boucicault's comedy "Old Heads and Young Hearts" was produced at the Haymarket in 1844, there was a love scene at the end, where Charles Matthews had to say to the lady, "I came to scoff, but I remained to pray," he being on his knees. The public, imagining

1 Palmer, John, op. cit. 5-57

this innocent expression came out of the Bible, took offence at it and hissed vigorously. When Charles Reade's play, "It's Never Too Late to Mend," was first produced at the Princess Theatre, the public, or at any rate, a noisy portion of it took offence at the prison scene in a rather belligerent manner. Similarly, when the play "The Devil" was produced, the gallery objected to certain portions, and called out, "Where is the Censor?"

As late as 1912, Pinero's Play, "The Mind-the-Paint Girl," did not meet the approval of a portion of the audience who lost no time in objecting fairly vigorously and rushing into print the following day with a very pointed comment on the nature of the piece as judged by them. Redford, the Examiner of Plays, admitted that he relied on the unappreciative reception certain plays would receive to result in their withdrawal and this, says Fowell and Palmer, was practically an admission rather like an abdication.[1]

The failure ever to have drafted a code of rules defining the principles of censorship has frequently resulted in some absurd situations. Even no one Chamberlain has considered himself bound by the acts of his predecessor or no one Chamberlain has exactly the same view point as his predecessor. The result is that some plays have been withdrawn after eight or ten years while still others have been refused and then under a fresh Chamberlain

[1] Fowell and Palmer, p. 344

granted a license. Two outstanding examples are "Jane Shore" and "Oliver Twist," which were stopped after they had been acted for some years. In each case representations were made through the Lord Chamberlain in consequence of which his Examiner's ruling was overridden and the licenses revoked. After Disraeli brought out his novel of "Coningsby" in 1845, Shirley Brooks, who was very intimate with the manager of the Lyceum Theatre, decided that it would be a good thing to dramatize the story. Everything was almost ready for presentation when he suddenly received an intimation that the piece would not be allowed. In an interview, the Lord Chamberlain courteously informed him that there were many reasons why it was undesirable to produce the piece, one of which was that it was a quasi-political play; another, that he was exhibiting a sort of contrast between the manufacturing people and the lower classes and that, he said, would be a pity.[1]

A good deal of the censor's activity has been based on the principle that he is bound to take notice of thoughts or political allusions likely to cause international complications or protests. A good example of this was about 1848, in connection with the piece "Lola Montes," written around one of the escapades of the notorious adventuress. The Lord Chamberlain passed and licensed this piece first but after two nights at the Haymarket

Fowell and Palmer, p. 195
Filon, p. 85

Theatre, it was suppressed. A few days later, it was sent in to him again with no alterations but a change of title to "Pas de Fascination," in which form it continued to appear. This trick appears to have been suggested by the censor to the lessee. The only other alteration made was that the King of Bavaria, supposedly alluded to in the first piece, in the second production was represented as a Russian Count.[1]

We have had many instances where banned plays appeared in book form and defied the censorship but did not break the law thereby. In 1815, the opposite situation occurred when the authorities permitted the performance as an opera of "Traviata," really Dumas' "The Lady of the Camelias," but the translation of the text as a libretto was forbidden.[2] This is the story, the reader may recall, which played such an important part in bringing about Lord Campbell's Act in 1857.

In 1853, a Select Committee of the House of Commons on Public Houses and Places of Entertainment reported that on the whole the censorship as established in 1843 had worked well and should be maintained since it had not been vexatiously exercised.[3] The superintendent of the Lord Chamberlain's department, giving evidence before the 1853 Select Committee, said: "The understanding is perfectly clear, unless the matter is expressively

1 Fowell and Palmer, p. 209--210

2 Haight, p. 34
Markun, pp. 270-271

3 Palmer, John, p. 45
Fowell and Palmer, p. 293

and extravagantly offensive, that the license should not be withheld."[1]

Speaking of the theatre of this time, Markun says that it was under the ban of the middle class. During most of the Victorian Age, the literary level of the drama was quite low. There were also theatrical representations "for gentlemen only," which, it may be really genteel gentlemen did not attend since they were full of double meaning and sexy jokes. In the 1860's the theatre acquired a certain amount of respectability. Ladies who had considered it improper to pass beyond the concert room in the way of public entertainment began to show an interest in the stage. The opera offered a means of transition and it was permitted to tell stories of passion in foreign languages as we have already seen in connection with Dumas' "Camille"[2]

Those students, considering the findings of the various Joint Committees which have looked into the censorship of plays in 1737, cannot help being impressed by the bad light in which the censorship has revealed itself. There was another one of these Joint Committees of Investigation in 1866 and it, like the one in 1853, decided that the censorship was not inefficiently exercised. It maintained that the censorship worked satisfactorily and should not be discontinued. Before the Commission of 1866, dealing with the prohibition of caricatures of politicians on the stage (which

1 Fowell and Palmer, p. 337

2 Markun, pp. 273-274

we can hardly forget was the cause of the Playhouse Bill of 1737), it was mentioned that the elder Matthews once represented O'Connell, the explanation being that it was allowed by the Lord Chamberlain because it was so exceedingly funny. Sir Herbert Beerbohm Tree related to Fowell and Palmer a similar case in which he was involved; after engaging a theatre to put on a French play by a distinguished author, he was told the play would not be permitted and consulting the Lord Chamberlain's officials, he was told the play was rather terrible, to which he agreed and then it was suggested that it might be made acceptable if the subject, which happened to be adultery, could be made a little more comic. It seems hardly reasonable that an author who might be sufficiently funny should be allowed to transgress any or all of the proposed rules of the Lord Chamberlain's office. This willingness to pass any indecency so long as it was treated frivolously and giggled over Henry Arthur Jones found to be one of the sorest points with serious dramatists.[1]

In 1866, the Committee considered the question of theatrical licenses and regulations. It took an enormous amount of evidence including that of the Examiner of Plays and the Lord Chamberlain himself, that seeming to be the regular procedure at these Committee meetings of investigations into the censorship. The instructions of the Committee were to inquire into the working of the Acts of Parliament for licensing and regulating theatres and places

1 Fowell and Palmer, p. 146

of public entertainment in Great Britain, and to report any alterations which might appear desirable. The report stated that the system of double jurisdiction by the Lord Chamberlain and the magistrates in regard to theatres and music halls respectively was unsatisfactory. They recommended that the entire regulation of such should be in the hands of one authority. They also recommended for insuring the safety and accommodation of the public the compulsory inspection of these places of entertainment as regards stability, security against fire, etc., stating that it was desirable to continue the existing restrictions which prevented music halls from giving theatrical entertainments.

A further recommendation was to extend to all places of entertainment the Lord Chamberlain's control (that is, in the metropolis for which licences are required); and after stating that the censorship of plays had worked satisfactorily, it recommended that the licensing of new theatres should be done by the Lord Chamberlain instead of the local magistrates but that the powers then exercised by the magistrates both as regards the renewal of licenses and as regards regulations should continue in force.[1]

The question of politics on the stage came up again in 1873 in the instance of the famous burlesque written by Gilbert under another name, called "The Happy Warrior" but based on his fairy play, "The Wicked World." Never since the play which had provoked Walpole to retaliate had such pungent satire been staged.

[1] Fowell and Palmer, pp. 293-294

We learn that Ayrtoun himself went to see his counterfeit presentment going about with a pot of slate-colored paint with which he daubed all public buildings, statues, and monuments. Other objectionable parts were the hints that the First Lord of the Admiralty knew nothing and also the trio and dance of Gladstone, Lowe and Ayrtoun with the ensemble, "[illegible], [illegible], [illegible] save," which was frantically encored again and again. But the Prime Minister was wroth and the Lord Chamberlain ordered the make-up of the actors which was so marvelously like the original modified. However, Mr. Gladstone didn't appear to have been very sensitive on the matter of impersonations by commedians for on one occasion, he actually complimented a comedian on the correctness of the caricature. Plays of more recent interest, but in the same category, have been Barrie's "Josephine," Shaw's "Press Cuttings" and "John Bull's Other Island" and the play entitled "The Orchid," which supposedly represented Mr. Joseph Chamberlain, but the difference in these cases was that although they contained most obvious political references, they were passed on by the censor.

James M. Barrie's "Josephine" was passed although it contained the most obvious political references; yet, George Bernard Shaw in trying a political play, "Press Cuttings," found it was immediately censored. It is a well-known rule that the representation of living persons on the stage is prohibited, but on occasion it has been broken with impunity. The difficulty lies in the fact that dramatic authors never know beforehand whether the rule will

be broken in their case or not. Mr. Shaw had reason to believe that "Press Cuttings" would have been allowed since his other play, "John Bull's Other Island," containing references to certain political personages and in which a certain type of Liberal politician was gently ridiculed, was licensed without demur. But the politicians in "Press Cuttings" were on the other side and it seems that Mr. Shaw might almost have been right when he claimed that the objection was clearly to his own policy and not to his personality. In the case of "The Orchid," a character appeared who was promptly accepted as representing Mr. Joseph Chamberlain, but this resemblance was denied since the actor was only half the size of Mr. Chamberlain anyway. The character of Mr. Chesterton was generally accepted as Mr. Chamberlain because the theatre-goers on the whole recognized in him a gentleman who wore a monocle, was clean shaven, was the Minister of Commerce, wore an orchid in his button-hole, was an apostle of Empire, and sang a song about being "Pushful"--presentment of Mr. Chamberlain. A reasonable point to this particular case of censorship was that it was a licensed play transgressing what was asserted to be a rule of the censor's office. The make-up of the actor had a good deal to do with the caricature as the words of the play involved little or no caricature, This shows how futile it often is to criticize a play on the strength of its written word alone.[1]

For a long while, the plays of Henrik Ibsen, the great Norwegian dramatist, lay under the censorial ban. Long after his

[1] Fowell and Palmer, pp. 196-199

position in modern letters had been widely recognized in England, the censor still opposed his shocked and obstinate personality, between the British public and Ibsen. Speaking before the Select Committee of 1892, Mr. Pigott found Ibsen utterly contemptible and his characters all morally deranged. On a later occasion, Mr. Redford, his successor as Examiner of Plays, wrote: "Ibsen's 'Ghosts' was refused by Mr. Pigott and will never be licensed." In view of the fact that Ibsen's "A Doll's House" created a great sensation three years before when it was given to an astonished audience at the Novelty Theatre in London, we can readily see why in 1892 a play like "Ghosts" was refused application for license by the Lord Chamberlain. However, in 1915, we find that the ban was removed by the censor of plays.[1]

It is easy to understand the public reactions to Ibsen's plays on the stage, those of them that were permitted, for opposition to the theatre was strong in England during the 1890's and has not altogether disappeared to this day. In 1900, Mr. S. Smith, a member for Flintshire, denounced in Parliament the depravity of the stage; thereupon, an opponent named Bowles pointed out that Mr. Smith might easily be mistaken in the matter since he had never entered a play-house. The Methodists were then to

[1] Markun, p. 317
Fowell and Palmer, p. 241
Haight, pp. 58-59
Fitzgerald, W. G., p. 947

a large extent enemies of the theatre and in Wales, where Methodists and other Dissenting bodies were strong, it was well into the 20th century before the majority were willing to consider theatre-going other than sinful.[1]

In 1892, a third committee of the House of Commons (the first and second we have seen in 1853 and 1866) repeated and endorsed the opinions of their predecessors, only one witness, Mr. William Archer, appearing to condemn the censor. This committee recommended, although no legislation resulted, that the performance of dramatic sketches should be licensed in music halls without the possession of a license for stage plays provided that the duration of each such performance would not exceed forty minutes and no more than six performers would participate and that there would be an interval of at least thirty minutes between any two such sketches, and no two sketches performed on the same evening, at such place of public entertainment, should have a connected plot. It was then that the voluntary arrangement referred to before in the absence of legislation was made in 1896 between the music halls and the chief theatres to the effect that performers should limit sketches which they performed to the above-mentioned conditions with the substitution of thirty for forty minutes, in which case the latter would abstain from further prosecution. The report suggested three courses; first, to enforce the letter of the existing law and restrict the performance of these sketches to places licensed to perform stage plays; secondly, to legalize per-

[1] Markun, p. 329

formances of the sketches in places licensed for music and dancing under certain restrictions; or third, to abolish the then present legal differentiation between the theatre and the music hall and to allow each to present whatever form of entertainment it desired. The Committee recommended the third alternative, a single license for both classes of houses giving them freedom to produce whatever entertainment would best conform to the taste of the public which they served.

Lastly, the report recommended that the same provisions for licensing, for the punishment or prohibition of unlicensed productions which had been found to be improper, and for control through the license of the building, which was proposed to apply to plays, should apply also to all words sung or spoken in any licensed place of entertainment. It further recommended that the licensing of the forty theatres then in the jurisdiction of the Lord Chamberlain should be transferred to the London County Council, whose officers already visited them regularly in order to advise as to the safety of their structure and of their accommodation for the public. But the recommendations of this report were not embodied in the statute although on several occasions since then, the question has been raised in both the House of Commons and the House of Lords.[1]

[1] Fowell and Palmer, pp. 305-307

In 1892, Oscar Wilde's "Salome," being rehearsed in London by Sarah Bernhardt, was banned when the Lord Chamberlain witheld the license on the ground that the play introduced Biblical characters.[1]

In the preface to his play,"The Showing of Blanco Posnet", Shaw complained that the censorship did not operate to protect good morals. He said that vicious plays were allowed providing they satisfied English prejudices by having happy endings, obvious farcical scenes, and other conventional elements, while such plays as his own which spoke out plainly for moral reform were barred or regarded with disfavor.[2] After the play had been accepted for production, it was submitted in the ordinary way to the Examiner of Plays and he, following a track of frequent practice of his, turned it over to Sir Herbert Tree with a private letter, the object being apparently to avoid having the play brought officially before him. When the matter was taken further, the censor indicated a set of passages which he said were blasphemous. Many of them he waived after discussion. But finally the decision resolved itself into a statement that the play could only be licensed with the withdrawal of specific passages. Mr. Shaw was willing to make some changes and emendations but toward the end came to the conclusion that the alterations required were altogether too drastic so he refused to be a party of further mutilation of his own work. The censor's corrections were almost childish. He condemned a number

[1] Haight, p. 57

[2] Markun, p. 310

of phrases as blasphemous and then specified the following omissions, such things as these: "He's a sly one," "He hasn't finished with you yet," "He always has a trick up his sleeve," "He's a mean one," "He lies low for you," "He plays cat and mouse with you," "He lets you run loose until you think you are shut of him, and then when you least expect it, he's got you."

"Mrs. Warren's Profession," written in 1893, was forbidden by the censor, and it was not seen in London until 1902, when it was privately presented at the New Lyric Club. This play, like most of the others written by Shaw, was meant to convey a moral and to bring about more precise sexual standards. It was considered improper by the censor because of the subject it dealt with. Shaw argued that society should take steps to prevent the situation. He offered a solution--the financial independence of women. The situation seems to have been that the subject is a privileged one provided the facts and consequences were not squarely faced but treated frivolously and furtively. Such a play as "Mrs. Warren's Profession" and, in turn, Granville Barker's "Waste", created a serious social problem. Their serious approach was handled unconventionally; the inference would seem to be that the plays were censored either because the treatment was seriously truthful or because there was an underlying assumption against accepted morality.

1 Markun, p. 318-319.

Much of the modern censorship began with a controversy in 1894 over a play by Haddon Chambers entitled "John A Dreams," in which a woman to save from utter destitution an enfeebled and dying mother had yielded without passion or gain of her own to a detested suitor. After the deed, her life had been an entirely moral one but many amiable persons objected to the play as it labeled her in no uncertain terms. A certain character in the play handicapped by a terrible hereditary taint (which he nobly conquerred for the sake of love) was called by one critic "an opium-drinking sot" and on these and some other lines the whole genial controversy progressed daily with bigoted distortion.[1]

The censor's activities have been confined to a very small portion of the national stage and even over that portion, his jurisdiction has been imperfect since he has no authority for enforcing such alterations to a play as he might deem necessary. Many of the censors, Colman and Pigott, for instance, have repudiated the idea of their being a spy on the theatre, and very few of their ideas have actually been put into effect, although, in 1895, the Examiner was informed that he was expected to visit the theatres to see that the rules of the department were carried out. The result, according to Fowell and Palmer, is that corrections had been agreed to in order to get a license and then afterwards ignored. There is the story of one actor named Wright, who was such a popular favorite that he had full liberty to do what he

[1] Fowell and Palmer, pp. 347-348

liked and whatever the Lord Chamberlain struck out of the dialogue he took care to put in again with additions. When the play, "The Happy Land," was first submitted, it contained some twenty-four pages whereas over forty were acted. Mr. Redford once censored a play called "The Agapemone, or The Abode of Love," which was thereupon transferred to the Middlesex Music Hall, over which he had no jurisdiction. It is largely a matter of chance whether any alterations come to the censor's ear or not, so that actually he has largely to rely on the good faith or discretion of the managers and authors, a reliance which generally is justified, but one cannot lose sight of the fact that the actual protection afforded by the censor alone has been very slight.[1]

That political references to foreign affairs are in a category quite different from those solely concerned with domestic matters was brought out in 1896 in connection with the performance of "The Shop Girl," which a number of people witnessed at the Gaiety Theatre; they were especially delighted when a remark was interpolated by one of the actors, "Why, you are as fond of interfering as the German Emperor." This remark, we are told, practically took the house amid a burst of cheering. It is possible that a play introducing pointed political references might provoke outbursts of public approval capable of straining foreign relations during a critical period to a breaking point. In such a situation, a foreign nation might naturally attach greater significance to the incidents in the fact that the play had been licensed by a court official and to that extent stamped with the court

[1] Fowell and Palmer, pp. 341-342

approval. That is why it is [illegible] that stringent control should exist over such references but in actual practice the sporadic operations of this rule have merely been provocative and farcical incidents. Frequently such references have been checked on the legitimate stage but the music hall artist goes entirely uncensored. The writer of a sketch for a music hall might parody a foreign power to his heart's content unchecked and the comedian, adding topical verses to his song night by night, has nothing to fear from the censor.[1]

William Heinemann on two occasions failed to secure the censor's approval of his plays. "The First Step" was a little play dealing with one phase of modern life in a perfectly sane and inoffensive manner. Its morality was of an austere type, but Heinemann made the fatal mistake of not preaching although the play was assuredly a sermon but since it had not been clearly labelled so, the censor didn't recognize it and promptly earmarked it as immoral. Censorship evidently thought it better to spare London audiences certain information; that there are couples in their great city the registrar has not united and whom the clergyman has not blessed; men of good position who get drunk and beat their mistresses; young girls who leave home in the morning and don't return at night. They were spared this revelation even though such instances are rare. Critics recognized it as on a par with good German and French plays and completely lacking in any crudity of construction. They felt there was nothing that could be objectionable to grown-up people and if a purpose was to be

[1] Fowell and Palmer, pp. 201-202

found in it otherwise than that of its art, it was assuredly a profoundly moral one. Fowell and Palmer feel that Heinemann's fault was that he was ahead of his time and that in later years his play would certainly have been passed.[1]

In 1898 Heinemann's other play was censored; it was entitled "Summer Storms." Before publication Heinemann, [illegible] publisher, sent copies of it to one or two outstanding critics who emphasized the relentless morality of the play, but the British licenser of plays, equally sensitive if less discriminating, did not hesitate to remove the relentless morality for acting purposes. He required a good character for the frail heroine, and not only deprived the play of its purpose but rendered it if not positively immoral, say Fowell and Palmer, unmoral to say the least; it was played in its thus demoralized state for copyright purposes only, but naturally in that condition could not very well be repeated.[2]

A noteworthy fact was brought out in 1900 to the effect that the Lord Chamberlain is not responsible in any way to the House of Commons, When a question arose in regard to the censorship, Sir Matthew Ridley, who was Home Secretary at the time, is supposed to have said, "There is no discipline or check on the drama in the hands of any government department." The basis of this statement is that the Lord Chamberlain's salary is not on the Estimates. It is drawn from the Civil List and therefore his conduct cannot be challenged in the House of Commons except by a definite special motion. The

1 Fowell and Palmer, [illegible] 27[illegible]-27[illegible];
Filon, "History of the English Stage" pp. 309-310.

2 Fowell and Palmer, p. 277

Lord Chamberlain, it is said, stands in the same position as one of His Majesty's Judges, the Lord Chancellor or the Speaker. Nevertheless, in the memorandum of appointment given by the Lord Chamberlain to the Examiner of Plays in 1895, it is stated that the Examiner of Plays is an officer appointed to examine all theatrical entertainments on the part of the Lord Chamberlain, who is responsible to Parliament. Since actually his accountability is to the House of Lords alone, it is for this reason that the questions cannot properly be addressed to any Minister of the Crown in the Commons on the question of censorship. This was brought out in December, 1911, in connection with the question over Mr. Frohlich's appointment.[1]

Some people might consider the censor's attitude regarding plays in foreign languages and in English almost ludicrous. An interesting example of such a situation is to be found in Hauptmann's "Hannele," which was first performed in German at the German Theatre in London. The censor licensed it with the condition that the character of the Stranger, who appears in the play, whould not in any way resemble conventional pictures of Christ. Later, when it came to producing the same play in English at the Afternoon Theatre, the censor was most reluctant to license it, but in the end he agreed to let the German license be regarded as a license for the play and nothing further was said about it.

1 Powell and Palmer, pp. 127-128

The Stranger had to be clean shaven and the play was ultimately allowed and produced amidst a chorus of approval from religious journals and the Salvation Army. In a letter on the subject, the censor wrote:

> "Hauptmann's 'Hannele' was licensed with a caution as to representing Christ on the stage, etc. for St. George's Hall (German Plays) in 1901. I am inclined to think it was never produced but an English version would have to be submitted: but it does not follow that a play licensed in German would be licensed in English. I should say that it would be most difficult to translate and adapt [illegible] for the English stage and would only appeal to the highly cultured."

This is a perfect example of the exceptional conditions in which the drama is to be found today. In all ages it has been open to any artist to paint a personage in his conception of Christ with that particular cast of face and to any author to describe Him; even manufacturers of films have given popular representations of Christ along the conventional line but on the stage the censor fatuously stepped in and required that the Stranger had to use a razor lest religious suseptibility should be shocked. When a representation of the Ober-Ammergau Passion Play was proposed for London, Mr. Pigott thought that the title (which was not fitting for display in public thoroughfares), "God and the Man," was irreverent. He thought the play was good enough but the title was what he objected to as it might give offence to many people.[1]

This attitude about Scriptural characters and references has caused considerable ill feeling among dramatists. There is nothing whatever in the Act of 1737 or the subsequent one of 1843 to justify the censor in refusing to consider a play merely because

1 Fowell and Palmer, pp. 219-221

it deals with a Scriptural theme, and yet, the play-readers, Mr. Donne and Mr. Redford, went so far as to state that plays founded on or adapted from the Scriptures were ineligible for license in Great Britain. A letter to this respect was sent in 1903 when Laurence Housman submitted his Nativity play, "Bethlehem," for license. The curious point is that in the previous year, the old morality play, "Everyman," in which the figure of God Himself appears and speaks on the stage, had been publicly produced with great success without leading to any breach of good manners, decorum, or the public peace, which were the only terms in the Act of 1843 under which a play of religious character could legally be prohibited. Housmann's play was prohibited on other grounds from those of offensiveness or impropriety; as the censor himself said: "It was not a question of propriety at all; it traversed the custom." Nevertheless, when asked to explain why "Bethlehem" was prohibited and "Eagerheart," which introduced very much the same characters (Our Lady, St. Joseph, and the Holy Child), was permitted, the censor retraced his footsteps saying that every case must be judged on its merit and every case is looked at from its merit. "Eagerheart" was allowed for Christmas because, according to the censor, it was a slight little thing. Another play that was banned because it was Scriptural was Sudermann's "Johannis."

Another play, Scriptural in theme, was "Samson and Delilah," which had been prohibited for a great many years but was suddenly licensed proving to be in the censor's own words, "the most popular opera of the season." Evidently, therefore, these positive

statements of the censor that Scriptural plays were not eligible were not generally applicable, though it had been impossible to obtain a statement of any reasonable principle on which selection had been made. Custom and precedent have been the ruling deities of the censor's office. No statement of that law and no justification of its terms have ever yet been attempted. Accordingly dramatists are hampered in selecting or in deciding on treatment of religious subjects for they do not know whether they will not be permitted. The effect of these capricious actions has been to rule out the entire Biblical field from the playwright's scope. Stephen Phillips, the author of "Herod" and "Paolo and Francesca," wished to write a play around King David but was debarred because he knew the censor wouldn't pass the play. Just as censorship of the drama has driven, according to their own statements, many writers into other literary fields, so too it has restricted immeasurably writers already in the field of the drama. Nevertheless, there are many pieces dating from earlier times such as George Peele's "David and Bathsheba," which might be produced without license because they are old plays.[1]

The system of secrecy with which the office of the Examiner of Plays is handled is one of the acutest grievances of dramatic authors against the censorship. It has long been the practice for censors to mark their communications "Private and Confidential." They have maintained that the secrecy of the office is essential and desirable, the essence of the office being preventive and above all secret.[2]

1 Palmer, John, pp. 107-110
Fowell and Palmer, pp. 211-213

2 Fowell and Palmer, p. 193

The British Foreign Office in 1905 became much distressed over Gilbert and Sullivan's "The Mikado," which, although it had first been performed in 1885 and as an operetta had been a great popular success, caused the Lord Chamberlain suddenly to awaken to the unsuspected dangers in the piece. He forbade its further production on the ground that it might give offence to the Japanese allies. As a matter of fact, the music was being played by Japanese bands on the Japanese ships in the Medway River during the prohibition of the play. The ban, however, has since been removed.[1]

In September, 1907, a manager submitted a copy of Shaw's "Mrs. Warren's Profession" to the Examiner with the usual two-guinea reading fee and the intimation that he wished to produce the play. Three days later the play, the check, and the letter were all returned with an inscription from the censor which read something like this: "Surely you are aware that I have already refused to license this play;" it was initialed G. A. R. The humble manager mildly pointed out that the Examiner was a public official and that this footnote could hardly be accepted as an official refusal. He also pointed out that it was some years since the play in question had been refused and that it was quite consonant with the custom of the Lord Chamberlain's office for an adverse decision to be revoked, mentioning particular in-

[1] Ernst and Lindy, p. 138
Haight, pp. 60-61
Fitzgerald, W. G., "Dramatic Censorship in England" p. 947 in Harpers' Weekly, June 29, 1907

stances. To this moderate letter, he received no reply nor did a further application for an answer ten days later receive any acknowledgment.[1]

In 1907, the censor refused to pass Edward Garnett's "The Breaking Point," a tragic and moral story. The author felt quite incensed that the Examiner could pass so many musical comedy indecencies and be unable to tolerate a serious tragedy like this play and he wrote inquiring the reason for the veto. He received an answer marked "Private" with the suggestion that the managers' and the authors' consciences ought to tell them why the license was refused.[2]

When Sudermann's "Midsummer Fires" was submitted to the censor in 1906, it was duly licensed, but on the license which was addressed to the manager of the theatre was endorsed a note warning him to omit the line for one of the characters," If you follow a girl such as I am into the cellar, then surely she knows, or at least thinks she knows, what your intentions are." The passage was duly cut out, otherwise the play was performed according to the author's original draft. Fowell and Palmer say that one cannot afford speculating as to what object was served by cutting out a solitary passage. Surely the girl's naive statement could hardly be regarded as dangerous to the morals of the community.[3]

[1] Fowell and Palmer, p. 193

[2] Fowell and Palmer, p. 257

[3] Fowell and Palmer, p. 261

When Tolstoi's "The Power of Darkness" was first introduced to the censor, there was some difficulty raised over licensing it. According to the manager, Mr. Redford for a long time resisted giving a license. At last after a long talk with him, on the part of the manager, it was decided that the play would be passed. He said that he thought the play was very sordid in its realism, and that was why he had been holding out,[1]

When Granville Barker's "Waste" was submitted, the censor put his official foot down. He first of all wrote, we are told, to Mr. Barker and demanded general alterations. On being asked to specify them, he replied in a letter that it wasn't necessary to indicate particular lines but that Mr. Barker must be prepared to modify the extremely outspoken references to sexual relationships. Barker felt that in such a play, sober, plain speaking was the only course, that innuendo would be indecent, and that while he naturally could not admit that he had written anything unfitting to be spoken in the theatre, and it was difficult to delegate his responsibility in such a delicate matter to the censor; still if the objectionable phrases would be specified, he would consider their alteration. Barker reports that the censor paid no attention whatever to that request. Another restriction was that Barker should eliminate entirely all reference to a criminal operation. Fowell and Palmer recognize in this connection a great inconsistency in that a few months before Mr. Barker had himself produced under the Lord Chamberlain's license, a play, the plot of which apparently turned upon a criminal operation which

[1] Fowell and Palmer, p. 258

was quite openly referred to on the stage. In writing "Waste," therefore, it was quite impossible for him to know that any reference to this subject would be made a definite reason for refusing to license the play.[1] By means of resorting to the usual subterfuge, the play was shown to a select and critical audience. The whole thing devolved on the situation that we have seen before, namely that Barker had written a serious play as had Shaw similarly in "Mrs. Warren's Profession." If they had handled their subjects along comic lines, no doubt the censor would have passed them.

In considering the salient features brought out by a review of evidence given before such Select Committees as we have studied, Jones was startled by the many instances of the confusions, caprices, anomalies, and futilities of the censorship as shown in actual working. He tried to get one great permanent rule to govern his judgment in this matter, or for an appointed censor to use for a guide in his decisions and the best that Jones could find was the maxim contained in the slightly paraphrased line by George Meredith, "It is deeply conceived--it cannot be immoral." With this rule in mind, he offers briefly certain decisions of the censorship around the turn of the century, and includes such notable plays and authors as [illegible] Tyrannus;" Ibsen's "Ghosts;" Maeterlinck's "Monna Vanna;" Shaw's "Mrs. Warren's Profession," "The Showing up of Blanco Posnet," and "Press Notices;" Brieux's "The Three Daughters of M. Dupont" and "Maternité;" and Barker's "Waste."

[1] Fowell and Palmer, pp. 259-60

Some of these, I have already touched upon. Except perhaps for "Press Notices," which Jones [illegible] to show how small a fly would catch as considerable a fish as the censor. The censor seems to have used the rule, "It was deeply conceived--it must be immoral." Jones leaves Shaw to the tender mercy of posterity and Granville Barker resting secure on the pedestal where William Archer [illegible] him, yet he [illegible] that Brieux was an [illegible] moralist [illegible] and that he allowed the moralist to run away with the dramatist.[1] In his own country Brieux is regarded as being too fond of sermonizing and accentuating the moral lessons of his plays. His plays mentioned by Jones and "Les Hannetons" were refused licenses by the censor; but a new translation of the latter was subsequently permitted and has frequently been played in England and America with the title "The Incubus." The censor referred to bold and outspoken indecencies. The alterations which were made were quite minor, the two words "lover" and "damn" being the chief objections.[2]

In 1909 the Lord Chamberlain censored as improper for the stage Maeterlinck's "Monna Vanna," which according to the author had been played 3,000 times on the Continent and some months in New York, making always a deep impression without raising any offence, but the Lord Chamberlain said, "Our decision was almost universally upheld."[3]

It was necessary for the Stage Society to announce two performances but the censor vetoed it. A Maeterlinck Society was formed and the piece was played half a dozen times, seen probably by four times as many as would have seen it if the censor had licensed it.

1. Jones, pp. 288-289
2. Fowell and Palmer, p. 274
3. Haight, p. 61

So, moral or immoral, the net result of the censor's action was that a scandal was caused, the censor was defeated, and the play was performed in spite of him to increased audiences. (Much the same thing happened with "Ghosts," "Waste,""Blanco Posnet" and "Press Notices." In each case a scandal was raised, the censor was defeated, and the plays were performed in spite of him.) [1] Mr. Redford objected to the immorality of the play, which was not to his mind proper for the stage. The scene which bothered him was the one that presented "Monna Vanna" as nude under her mantle. In order to save the inhabitants of the town she was supposed to have accepted the terms of the commander of the invading army and went to him thus in his tent. She not only left the camp unharmed, but unharmed because the hero was very much in love with her and the whole idea of the play was that love is not only not identical with, but is the enemy of, lust. Fowell and Palmer believe the whole thing took on a ludicrous phase when another play, "The Devil," was duly licensed containing an almost identical scene and was an extremely vulgar play. Redford saw no analogy between the two since one was a literary work and the other a flamboyant, lurid piece of stage business. This merely bears out the tendency to censor the serious responsible treatment of a subject and license a frivolous comedy scraping thoughtlessly over the same grounds.[2]

Of all the plays vetoed by the censor, the two greatest and loftiest from the standpoint of literature are probably "Oedipus" and "The Cenci." Both of these acknowledged masterpieces deal,

1 Jones, p. [illegible]

2 Fowell and Palmer, pp. [illegible]

says Jones, with incest not because the dramatists are actuated by dirty motives, but because terror is one of the two necessary ingredients of tragedy. Jones suggests if it is found to be an immoral play, both it and Aristotle's "Poetics" should be immediately withdrawn from the place where they must be most actively exercising their poisonous influence--the shelves and forms of the public schools. The "Oedipus" was for many years regarded as impossible for the English stage although its performance by undergraduates had not been known to produce objectionable or disastrous effects on the audience. In time the censor slowly followed public opinion and the play was performed at Covent Garden in 1912 for 26 performances with the most unstinted public approval.[1]

Shelley's "The Cenci" has always been prohibited on the English stage, the objection presumably being that the subject was not fitting and proper for treatment on a public stage. As with so many other plays, a scandal was caused when the license was refused, society determined to do the play, the censor was defeated, the performance took place, and was an honor to the English stage.

Earlier than our own contemporary day, to have a play censored was not always considered the honor that it has since become as people were rather ashamed of the ban. Fowell and Palmer quote a passage from Charles Charrington in which he says the fight really began in earnest with this play, the treatment of which shows the humiliation when things get difficult for the pioneers. After the

[1] Jones, pp. 291-292
Fowell and Palmer, pp 275

Shelley Society had produced the play, at the Grand in Islington, the Lord Chamberlain threatened to take away the license of any theatre manager who produced it in the future. Charrington at the time held the lease of an idle theatre and willingly offered its use to the Society unwittingly doing an unexpected and even unkind thing.[1]

The 1909 Committee reviewing the censorship deprecated the detailed discussion in Parliament, whether in a debate or by way of question and answer, of particular decisions of the Lord Chamberlain in respect to the licensing of plays but it considered that remaining accountable to the House of Lords his general administration of the functions entrusted to him by statute should be brought by whatever procedure might be thought desirable within the same opportunities for review by the House of Commons as the actions of other Ministers.[2]

The evidence of Mr. Redford before the 1909 Commission relating to the performance of old plays was extremely confusing. Since Sir Henry Herbert's time, it had been a fetish with some censors to claim the right of editing plays already licensed by their predecessors. Herbert, we know, insisted on the right in order to get the extra fees involved and to check greater license than was allowed by him. Colman, too, objected to much in Shakespeare's plays and would have bowdlerized them if he thought the process might have been tolerated. Redford conceded that it was not legally necessary

1 Fowell and Palmer pp. 239-240
Jones, p. 296

2 Fowell and Palmer p. 189

to send such plays (when asked how the Restoration drama stood in the matter of censorship) to him, any more than it was with regard to Shakespeare's plays, which were not submitted, it being assumed that they had been licensed. This was the attitude assumed in the case of "Everyman" and yet when asked about the plays of Wycherley and Congreve, etc., he said they would have to be submitted if they were performed. This would seem to be very confusing. However, when the Mermaid Society sought to produce Congreve's "Way of the World," the play was returned to them by the censor with a note, "This being an old play, it is presumably already licensed for representation." The conclusion seems to be that the drama of the Restoration which, as it was the wittiest, was also the grossest of any period in English dramatic history, can now be performed without being previously submitted to the censor. Yet, no sane author would waste his time writing a modern play half as suggestive and outspoken as Restoration plays.

Around this same time, the censor prohibited a ragging scene in one of Cecil Raleigh's plays, since at the time there was a good deal of ragging going on and the author thought it appropriate to deal with such a case on the stage. When the matter came to the censor's ears, he objected and said he could not have a ragging scene produced; his instructions were not to allow ragging nor the word "ragging". After some negotiations, the Lord Chamberlain sent someone to inspect the rehearsal, and an exception was taken to an incident in which an officer, while he was being ragged, drew his sword. The Lord Chamberlain insisted that under no circumstances anywhere would an officer who was being ragged use a weapon. While

the controversy was actually in progress, a mutiny had occurred on board one of his Majesty's ships. A young midshipman was ragged at mess and warned that he would be ragged again. He whipped out his revolver and fired. Since this was an actual case of an officer using a weapon, while he was being ragged, the objection to an officer being represented as drawing a sword was waived on one side and disappeared.[1]

Brookfield's "Dear Old Charlie" succeeded in passing the censor but in time came in for a great deal of criticism. It has been described as a play which brought a blush to the cheeks of even hardened dramatic critics. Before the 1909 Committee, William Archer mentioned it as a play which if censorship existed at all should have been banned. It was severely criticised in 1908 on its appearance, but much of the vigor of the criticism was due less to the inherent features of the play itself than to the absurdity of its being licensed while a play like "Monna Vanna" was banned. The incident came to a more acute stage when Brookfield was appointed as Joint Examiner of Plays with Redford, and a storm of protest ensued. It was asserted that his sympathies were in favor of the kind of play which was causing the deterioration of the English stage. He was accused of lack of sympathy with the more serious and advanced dramatists, and assistance towards the production of a number of plays which were indisputably frivolous, and held by many to be immoral and indecent. At the same time there was an article in "The National Review" in which Brookfield, writing of the theatre, claimed that its influence for good or ill was much exaggerated. He wrote in

[1] Fowell and Palmer, pp, 226-230

favor of the frivolous burlesque as opposed to the value of the somber dissertation. The article was read as revealing an attitude definitely hostile to the most vital forces then influencing British drama. To afford a fresh opportunity for judgment, the play was revived and the main trend of newspaper criticism was unfavorable to the play. The whole incident received undue importance. It was merely one more instance of the intolerable offence of a play being suppressed for taking a grave view of the moral questions involved, instead of handling the subject of marital infidelity frivolously and irresponsibly.

History repeated itself further in this appointment of Brookfield, for he served as a prototype of Colman, who was a careless immoral author in his youth but who, once he took up the censor's pen, became a very rigid and scrupulous Puritan. Fowell and Palmer suggest that since no censor made more frantic efforts to keep the drama in full dress and on its best behavior than had Colman, he may have provided the brilliant inspiration for the Lord Chamberlain to appoint Brookfield.[1]

The 1909 Select Committee, appointed to inquire into the workings of the 1843 Act, made what was by far the most thorough investigation into the whole subject up to that time. Some 49 witnesses, including the Speaker of the House of Commons, the Comptroller of the Lord Chamberlain's department, and the Examiner of Plays, all appeared as witnesses although the Lord Chamberlain

[1] Fowell and Palmer, pp. 262-265

himself was absent.

The Committee did not reach such simple and sweeping conclusions as those of their predecessors; with only a few exceptions, all the dramatists asked for the abolition or modification of censorship, and almost all the theatre managers asked for the retention of some control over plays prior to their production. Many felt abolition would result in a class of play tending to bring discredit on the theatre as a whole; others hesitated to decide as to the innocence of proposed plays, while most of them feared the uncertainty that would result from the control exercised by the local licensing authorities or by police prosecution which they regarded as inevitable alternatives. The actors generally experienced the same fear of insecurity, and the Speaker of the House, expressing himself as an ordinary theatre-goer, feared most people would regard the sudden abolition as a step in the gradual demoralization of the stage.[1]

The Committee concluded that the ordinary law, which prevents or punishes indecency, blasphemy, or libel in printed publication, would be inadequate in the case of theatrical representation, since the personalities of actors can give ideas and situations a more powerful effect than mere descriptive writing.

[1] Fowell and Palmer, pp. 295-296

They felt further that the security of the people should rest on censorship and allowance, prior to production.

On the other hand, it was brought out that there were very grave objections to the existing censorship:

> "Secret in its operation, subject to no effective control by public opinion, its effect can hardly fail to be to coerce into conformity with the conventional standards of the day, dramatists who may be seeking to amend them. Those standards are not absolute. It is an axiom underlying all our legislation that only through the toleration that one age thinks to be error can the next age progress further in the pursuit of truth. More and more, the theatre is attracting writers of intellect who desire to present through its agency sincere and serious dramas, critical of existing conventions."

It was agreed that comparatively few plays had actually been censored; yet, on the other hand, it had been brought out that almost every week plays were to some extent changed to meet the censor's objections, and playwrights asserted that their fear and dislike of this intervention seriously hampered their work. The actual prohibitions of the censor were not a fair measure of his activities. The committee felt it was not the function of the state to insist that there should be no presentation on the stage of anything unsuitable for youth to see since such a standard is not the one to which a community should be required universally to conform. It did not agree that an arbitrator between the author and the censor would solve the question of preventing the public performance of plays improper for production, nor would the appointment of the Advisory Committee be a solution, for in time the same objections would apply to it as do to an individual censor.[1]

1. Fowell and Palmer, op. [illegible]

In conclusion, the Committee recommends definite legislation along the following lines. The Lord Chamberlain should remain the licenser of plays, to be licensed unless he considers them reasonably to be indecent; to contain offensive personalities; to represent on the stage in an invidious manner a living person or any person recently dead; to do violence to the sentiments of religious reverence; to be calculated to conduce to crime or vice, or to impair friendly relations with any foreign power or to cause a breach of the peace.

The Committee felt it should be optional to submit a play for license and legal to perform an unlicensed play whether or not it had been submitted. It would then be up to the opinion of the Director of Public Prosecutions to object on the grounds of indecency, and prefer an indictment against the manager and the author, notification of which would make illegal any further performance of the part of the play until the case had been heard and decided.

A court hearing such an indictment should judge the merits of the case by prohibiting the performance of the play for any fitting period up to ten years, imposing penalties on the manager or the author or both or by endorsing a conviction on the license of the theatre. Any play thus prohibited for the ten-year period would then have to be licensed. The court should have the right to revoke the license of the theatre which had been endorsed three times [illegible] five years; [illegible] should be [illegible] license renewal for five years more.

In addition to all of this, the Attorney General could be empowered to apply to a Committee of the Privy Council for an order prohibiting the performance of an unlicensed improper play for a period of not more than ten years and, if he thinks fit, for [illegible] the licence. In [illegible] and in other suggested legal details, the Committee brought out that the measure of immunity conferred by the licensing of a play [illegible] powers of the authorities should continue to remain as they were.[1]

Up to 1909, the Examiner of Plays, we have seen, was practically the censor, a popular but not an official title. He wrote no report, could be overridden, but he gave the decisions. He gave his yes or no or his demand for alterations of excisions. However, after 1909 this was changed, for he had to submit a report with a synopsis. This was considered first by the Lord Chamberlain, assisted in doubtful cases by four or five distinguished and experienced people. Street thinks that this was planned as a check on the authority of Redford, who had given some unsatisfactory decisions. At any rate, it serves to eliminate an autocracy of one man and proves fairer to authors and managers.

This made the censor really the Lord Chamberlain, who did necessarily agree with the Reader of Plays. This system came to be generally accepted but when Bendall retired in 1920, the old plan of one reader was revived, as ordinarily a well man could do the job alone.[2]

1 Fowell and Palmer, pp. 299-302

2 Street, G.S., "Censorship of Plays," pp. 348-357, in "Fortnightly Review," Vol. 1[illegible], [illegible]., 1[illegible]

[illegible] Committee did not [illegible] [illegible] [illegible]

> It may be anticipated that the more elastic system we propose will develop, as our institutions usually do, along the lines that experience indicates. To seek a license for a play will remain the rule, or it will become the exception, according as licenses shall be found in the future to be necessary, or to be superfluous, in the public interest, and for the protection of producers.[1]

I have discussed further back the recommendations of this report having to do with the war between the music halls and the theatres (cf. Supra), but the feud over the "sketch" problem was ended in January 1912, when the Lord Chamberlain began to issue licenses for the performance of stage plays to managers of music halls within the area of his jurisdiction. The real effect of this concession was to strengthen rather than to weaken his control over the theatrical world.[2]

The result of this report was that it was shelved and its very strong recommendations have been unheeded. Meanwhile, says Jones, the Lord Chamberlain's office has managed to hold on to its arbitrary and irresponsible powers, and indeed to augment them.

The recommendations of the Report have not yet been embodied in a statute. On several occasions since, the question has been raised in both Houses of Parliament, and an attempt to do so occurred in December, 1911, when the Home Secretary agreed that it would be desirable to have a short bill embodying the recommendations of the Committee, but was unable to hold out the smallest hope unless some non-controversial measure could be devised which could be carried by consent.[3]

1 Fowell and Palmer, pp. 302-304

2 Fowell and Palmer, p. 324

3 Fowell and Palmer, p. 307-8; Jones, p. 338

In the House of Lords, the matter was debated from both sides, the very last amendment to the report standing in the name of Lord Gorell, who became convinced, though rather late in the proceedings, of the inherent impracticability and unwisdom of any system of prior censorship.[1]

In June, 1912, an anti-Censor Petition, with an unusually impressive array of signatures, was addressed to the King and in August, it was laid before him, but apparently the subject had reached a dead-end, for later history shows the Examiner of Plays functioning as before.[2]

Sydney Grundy had a bit of friction with the censor, which was a helpful factor in bringing him out of obscurity, coupled with the very thorough success of a farce in three acts entitled "The Snow Ball." His impact with censorship had to do with the question of an adaption of "La Petite Marquise," which he wrote in collaboration with Joseph Mackayers. Filon says there is nothing more frankly moral in Epictetus and Marcus Aurelius than "La Petite Marquise." Its story, for all the license of its treatment, is one calculated to deter a virtuously inclined woman from succumbing to temptation. Unfortunately its moral is one of fastidious abstention, a moral which, he says, is difficult to appreciate or put into practice except at an age when passion has lost its fire and its poison.

It serves, therefore, despite its subtle humor and clever observation no more useful purpose than the entertainment of philosophers. The English censor either could not (or refused to) see the lesson which it taught. He saw only the posturings and the language, and was alarmed. He had passed the play in French as such in all its original license but he refused it his sanction when it turned up presented respectably by two of his fellow countrymen. Grundy capitalized on the

1 Fowell and Palmer, p. 309

2 Fowell and Palmer, p. 310

situation making a great outcry, greater perhaps than was necessary. Although he was in the right, he expressed himself with perhaps too much passion and indignation. At any rate, his name became known to many people who were destined to keep it in mind.[1]

A case similar to the instance of "Lola Montes" occurred in 1911-1912. It was brought out in the 1912 questions asked in the House of Commons concerning the Lord Chamberlain's refusal to license the play "Tricked," by Lawrence Cowen, although another play by the same author, entitled "Quits" had been licensed. The two plays it was claimed were almost identical in plot except as regards the names of the characters and the locality, although the Lord Chamberlain did not agree on the point. From the synopsis of each play, it will be seen that the essential under-structure is almost identical. As far as moral questions are concerned, the one actually licensed would seem to be less acceptable than the one banned, since in the first play, "Tricked," the treachery of the betrayer is a workable justification for his subsequent murder. They run something like this:

"Tricked"	"Quits"
Refused a license by the Lord Chamberlain, December, 1911.	Granted a license by the Lord Chamberlain, February, 1912.
In this play, the scene of which is laid in a garrison town in Russia, the wife of a student sentenced to death for assualt on a military officer, in order to save her husband's life, yields herself to the general in command of the troop, who has in such event guaranteed the condemned man reprieve. Her sacrifice is in vain, for her husband is shot, and she strangles her betrayer the following morning.	In this play, the scene of which is laid in London, an actress, the wife of a struggling actor, who is committed to prison for debt on the eve of his appearance in a new play which is to give him the chance of his life, yields herself to the dramatist manager from whom she obtains the money (some thirty-seven pounds), to secure her husband's freedom in time to fulfill his engagement. She stabs her betrayer dead the following morning.[1]

[1] Fowell and Palmer, pp. 210-211

In January, 1912, the Pioneer Players were amazed to learn during rehearsal that the Lord Chamberlain had found in their play "The Coronation" something detrimental to the public interest. The play was really an attack on the burden of armament and on the current social system. The King, on the way to his coronation, realizes that the cost of armament weighs heavily on the people. He remembers that before the crown is placed on his head he must swear to uphold his people and defend his poor from oppression and suddenly realizing his opportunity, he refuses to allow the ceremony to proceed until an autocratic Cabinet consisting of the head of the Army, the head of the Navy, and the Prime Minister have made certain concessions. The whole play is strongly in favor of peace, the king and the nation in question were entirely imaginary; the king was an idealized and glorified one, yet without any reason being given, the play was banned, the communication stating that after taking the advice of his Advisory Board, the Lord Chamberlain had been unable to grant a license for the play.

The sequel to the banning proved almost a farce, for those who had bought tickets for the performance were immediately nominated members of the Coronation Society so that the performance became technically a private one. A prompt protest appeared signed among others by Ellen Terry, and H. G. Wells. After the actual performance amidst considerable excitement, the resolution was passed, with only one person dissenting, to the effect that the House, after seeing the play, was of the opinion that the conduct of the Lord Chamberlain, in refusing to license the play, was wholly unjustifiable, and it

desired to put on record its protest against the refusal. The only reason people could figure for the banning was the introduction of a king, even a magnificent and brave one, on the stage.

A somewhat similar incident occurred in the same theatre only a month or two before, in 1911, when Lawrence Housmann's "Pains and Penalties" was banned. This time, the censor explained that it was inadvisable to put upon the stage so recent a royal personage since the play dealt with the trial of Queen Caroline. During an interval in the performance, Granville Barker and Elizabeth Robins appeared in front of the curtain and addressed the house, which turned itself into a public meeting and passed enthusiastically a motion against the Lord Chamberlain with only two dissentients out of about 2,000 people. The motion also used the opportunity to take exception to the appointment of Charles Brookfield as Examiner of Plays.[1]

Fowell and Palmer regard the bogey of the English censor not the Scriptural play, and not the political play. As they see it, the battle of the censorship has been fought around the question of sexual drama in England. They regard the instinctive love of all that is beautiful and poetic which redeems the sensuality of the Latin races fundamentally lacking in England and it is under this propriety that the modern stage has suffered most since the censor assumes that he acts for the slowest boy in the form and therefore keeps his eye most vigilantly on offences against propriety and morality. Yet it is only in really modern times that the censorship has seriously assumed the task of taking charge of the nation's morals, and it is questionable whether even in these times the legal constitution of the office justifies any such claim since the

1 Fowell and Palmer, pp. 230-234
Jones, p. 341

terms of the Act of 1843 provided that it should be lawful for the Lord Chamberlain whenever he is of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do to forbid the acting or presenting of any stage plays. According to Lord Gorell, the only grounds on which the censor, therefore, could justify any incursion into the questions of pure morals would be under the term of "good manners." In the older Act of 1737, the matter was left entirely to the Lord Chamberlain's discretion and it was in this respect mainly that the Act of 1843 modified the situation and even though, as Mr. Redford declared, the words have become much more elastic in recent years, yet the legal position of the Act itself remains unchanged and has been modified in no particular way whatever. The actual form of license that the Lord Chamberlain used certifies that the play does not in its general tendency contain anything immoral or otherwise improper to the stage. There is no justification for the use of these terms so that actually the license is not given in accord with the Act. Further, the license, in a memorandum, states that no profanity or impropriety of language is to be permitted on the stage, no indecency of dress, dance, or gesture, no offensive personalities representations of living persons, or anything calculated to produce riot or breach of the peace. It is doubtful whether these so-called regulations could be upheld legally. However, we have had several instances where plays have been mainly censored on these grounds.[1]

An instance of a case where the censor had licensed a play which subsequently was condemned by high authorities was "The Jiddy Goat,"

[1] Fowell and Palmer, pp. 237-239

over which a libel suit was fought. The defendant was a dramatic critic who had expressed "disgust for such stuff" and described it as an "enormity." The author brought an action for libel, and the court awarded him a farthing damages, thereby virtually indorsing the view of the critic. In charging the jury, the Justice said that the jury was not bound to what the Licensing Authority had done. It wasn't for them to criticise him, but neither could he complain if a play he had passed was found on representation to be improper. The Justice was particularly surprised and shocked at the Lord Chamberlain, since, when the play passed the licenser, it contained passages which were worse than any left in.[1]

Charles Charrington told a very amusing story about censorial intervention on the ground of sex and the ensuing compromise that was necessary. He and his wife had been in the habit of adapting from the French, plays for matinee performances that might not be popular enough to meet the demands of evening audiences. Among them was Octave Feuillet's "Julie." The censor objected to the severe moral tone; however, the Charringtons sought a working compromise.

Between the first and the second acts of the play the heroine "falls" and the whole of the last two acts depends on the remorse she feels for an act of unfaithfulness which at the end of the play she confesses, the excitement from which brings on a heart attack that kills her. Husband and lover meet over her dead body. Charrington and the censor compromised as follows: Julie was to say somewhere, "Thank God, that I have only sinned in intention." As it made complete nonsense of the whole play, Miss Achurch, (Charrington's wife) did not say the line very loud, although she did whisper it and technically this was carrying out the censor's directions.[2]

1 Fowell and Palmer, pp. 249-250

2 Fowell and Palmer, pp. 250-251

In 1911, Mr. Eden Phillpotts's "The Secret Woman," was banned although the play had had a very successful reception as a novel, running into three editions without any protest. The Censor's action in attempting to suppress so sincere and fine a piece of craftsmanship roused a protest, which took the form of a letter to the "Times" signed by 24 distinguished authors, each of whom felt that he in turn might be the next victim of censorship. The play was actually produced at a private performance. It met with a good reception and the critics were unable to discover what the objectionable lines might have been. The "Times" said that it included no prurience or blasphemy, although the play did possess some passages of healthy passion and a broad farmyard humor without which the characters could not have been true to life.[1]

Cosmo Hamilton's "The Blindness of Virtue" was another play which Fowell and Palmer say was not sufficiently soothing to the blood-shot imagination of the censor although anyone who knows Hamilton's work would not question its delicacy, inherent sanity, or artistic candor. This play, too, had first appeared with good public approval in book form, but the censor for some time hesitated about passing it as a stage play. Like Brieux's plays, the play tended to overmorality and it was pointed out that at parts there was an air of propagandism about it that spoiled the delicate structure of what is otherwise a delightful work of art. The play was ultimately produced with some success. There was

[1] Fowell and Palmer, pp. 265-268

considerable delay in connection with this play due largely to the deliberation of the Advisory Board which the censor had appointed to assist him. Since many of the members of the Board were otherwise engaged professionally in different parts of the kingdom, it was difficult to assemble them, and that is why in practice the scheme of such a board has proved slow and far from satisfactory.

Such defects came into prominence in connection with Bataille's successful play, "La Vierge Folle." It had been a tremendous success in Paris, and was everywhere hailed as an extraordinarily fine and serious effort. But after it had been submitted for some days to the censor, a telephone message was received to the effect that he had just glanced at the play, but would not like to assume the responsibility upon himself though he personally would like to see it produced. So the matter was delegated to his Advisory Board. A visit to the Comptroller brought out the fact that the Board could not possibly meet, as one member was in Egypt and another accompanying the King to the Durbar. Meanwhile, a company of eleven had especially been brought over from Paris at a very great expense, and the absurd and unnecessary delay resulted in great loss to the unfortunate producers.[1]

Such irritating delay was repeated in the case of the play "Into the Darkness," which Marie Tempest desired to produce in

[1] Fowell and Palmer, pp. 270-271

January, 1912. It was a playlet of but twelve pages interspersed with stage directions, but the censor had kept it five of the seven days when he reported that he would require further time to consider the matter. Miss Tempest sent her business manager down to try to negotiate matters. He was unable to see either the Lord Chamberlain or the Examiner of Plays, although he finally saw an official who informed him that there was no real objection to the play or to the characters in it but merely something in the dialogue. He was given immediately carte blanche to cut out anything objectionable in the dialogue but the offer was declined. The Chamberlain's department made no special effort to come to a decision within the legal time. The play emerged from the ban of the censor after the alteration of the term of imprisonment which stood at two years in the text and seemed to the censors to convey the fact that the nameless crime for which the man suffered could only be one of degeneracy. The quarrel over this play was not with the censor's point of view, which may have been justifiable and removed a possible misapprehension, but rather with the fact that he ignored the inconvenience to the management and refused to state the grounds for his objection. The phrase was altered to a "term of imprisonment" in a moment, but the delay was quite inexcusable.[1]

Reinhardt's production of "A Venetian Night" had long been publicized throughout London, but it wasn't until the afternoon of the night of the production that the Lord Chamberlain's offi-

[1] Fowell and Palmer, pp. 271-273

cially vetoed the play. A representative from his office had attended a special rehearsal the day previous and announced that the objections taken were so serious that the alteration of an incident or a scene would not suffice. The whole theme was objected to. The distinguished Germans responsible for the production refused to take the decision meekly. They appealed to their embassy, and telegrams were sent to Berlin. The producers insisted that in view of the magnitude of the production, the Lord Chamberlain should himself inspect the rehearsal, but he was supposed to be shooting in the country and his decision was delayed. Finally, as a result of the agitation, he intervened, inspected a rehearsal, and with some small modification passed the play. As finally produced, the theme was found to be rather involved and not excitably interesting, but less objectionable than many licensed plays.

Another interesting angle to this instance of censorship was the fact that the production was being staged in a music hall and it is thought that the Examiner of Plays was eager to exercise his new powers over the music hall and was not satisfied to let well enough alone. The whole incident called for a good deal of criticism in the press. An objection was raised also in regard to the costume of one of the dancers, a matter which could, of course, be rectified without any trouble.

Fowell and Palmer think the most colossal stupidity which the censorship has perpetrated in recent times was in connection with "Kismet." It was a play which had run for 245 performances

over seven months and had been attended by all London, including the King and Queen, and during that time, there had been no complaint against sex indecency. Then an order came one day to the Lord Chamberlain to the effect that a certain scene must be modified and that the girl in the play who jumped into the harem bathing-pool should wear more clothing. London figuratively sat back after this exploit and gasped, for it could not understand the interference with the performance which had been licensed and gone unchecked for seven months without evoking a work of protest in the press.[1]

One of the first plays which came up for judgment after the 1911-1912 investigation was Oscar Wilde's "Salome" with music by Strauss. It might have been foreseen that "Salome" would have to be licensed sooner or later because, like "Samson and Delilah," there was a sufficient number of play-goers who wanted to see it, but the censorship, always on the lookout for a chance to stultify itself, refused the license only to grant it in a few months and yet it seems peculiar if the play was immoral in 1911 that it should suddenly become moral in 1912. There may have been plausible reasons, says Jones, for not licensing "Salome" at all, but having licensed the play, what reason could there be, he asks, for declaring that John the Baptist was not John the Baptist when every member in the audience knew very well that he was, and, moreover, was coming to the theatre trebly impressed with the fact that he really was John the Baptist, although having read paragraphs in all the papers announcing the censor's decision, that although he really was John the Baptist, he

[1] Fowell and Palmer, pp. 282-283

mustn't say he was but must go about the stage pretending to be some non-descript and anonymous prophet. Apparently, the censor thought that religion is really served by such subterfuges.[1]

A rather far-fetched example of a play supposed to contain foreign political dangers was that written by Count de Bornier on the subject of Mahomet, a poetic but not an acting play. Sir Henry Irving was very much struck with it and wished to perform it. He had long before wished to produce a play on the same subject, and the late Sir Richard Burton was very anxious that he should. He accordingly bought the rights to the play and had it prepared for the English stage by Mr. Hall Caine. When it was announced, a representation came through the Lord Chamberlain's office, pointing out that inasmuch as there were in Her Majesty's dominion so many millions of Mahometans who would have been gravely offended by any representation of the Prophet put on the stage, the play couldn't be performed. Fowell and Palmer consider this utterly ridiculous since Sir Henry Irving did not intend touring the play among the Mahometan peoples of the British Empire, but merely to produce it in the West End of London for English theatre-goers.[2]

A similar situation arose in connection with the play "The Secrets of the Harem." After it had appeared for several years, the Lord Chamberlain suddenly withdrew its license, the

1 Jones, op. cit. [illegible]

2 Fowell and Palmer, p. 206

reason being given that the play was objected to by the representatives of a foreign potentate in England, presumably someone at the Turkish Embassy. No amount of pressure brought to bear could change the Lord Chamberlain's decision, and it was not until a number of questions were asked in Parliament that the license was reissued on the understanding that the word "Harem" should be omitted from the title and from that time the play appeared under the title of "Secrets __ ___ _____." Everyone knew what the three blanks stood for, and the incident became the jest of the whole country.

"The Englishmen's Home" provided another amusing case of censorship. When it was at the height of its boom, it was proposed to put this piece of military propaganda into a skit of the Follies. The censor maintained that in his dealings with the skit, he obeyed instructions entirely and that personally and individually he had nothing to do with the matter. However, a telegram was dispatched, "Am instructed to inform you that no skit will be permitted." It was assumed that pressure had been brought to bear on the Chamberlain by those interested in fostering the military feeling which the play itself aroused, it being perhaps felt that to permit any skit on the play would be to weaken the power of the original play as a dramatic tract. However, the Comptroller of the Lord Chamberlain's department insisted the skit was disallowed on the principle that the censor was bound to take notice of plots or political allusions likely to cause international complications or protest. He insisted that the prohibition was imposed not because the play in question was a patriotic one encouraging a desirable national object, but simply because

of possible offence which the skit might give to a foreign power. The department apparently chose to reverse its customary rule of prohibiting serious treatment of a subject and passing a funny one. If the Follies' management had chosen to carry this part of their entertainment to a music hall each night, they could have done so without interference. This actually occurred in 1905, when the play, "The Abode of Love," was proposed to be acted and was forbidden by the censor. It was immediately afterwards presented at the Middlesex Music Hall, where the Lord Chamberlain ignored it entirely.[1]

In 1912, the drama of "Hindle Wakes" by Stanley Houghton made many Londoners angry. It tells how a working girl is seduced by her employer's son, who later offers to marry her, but she refuses because she doesn't love him. According to the mid-Victorian view, such a girl has been defiled and she cannot recover her pristine purity, though she can regain a certain vestige of respectability by marrying the man who has seduced her.

According to the precisions of Richardson's and Goldsmith's age, no course is open to her but a slow pining to death. Now we find writers saying that she has not been seriously injured, or at least that the wrong of a loveless marriage cannot repair the evil of a seduction.[2] This reveals the different point of view that has lately developed with modern authors, but the anger of the Londoners shows us that there is still opposition to the stage.

[1] Fowell and Palmer, pp. 205-209

[2] Markun, p. 327

Israel Zangwill's "Next Religion" was refused a license in 1914. The play tells of a Church of England clergyman who has doubt regarding individual existence after death, the personal dispensation of Providence, etc. He founds a new religion based on a recognition of impersonal and universal law. His hope is that this new religion will need no building made with hand, no paid priesthood, and no mechanical ritual. As soon as the new religion is founded, up goes a new temple dedicated to the now-canonized millionaire who had supplied the money, while the clergyman himself is led around in the robes of a High Priest at the end of a procession. The play gets its name from a passage which suggests that we are not ready for the next religion before we have worked out the last, and that perhaps Christ's own religion has never had a chance--perhaps that's the next one, the next religion. According to Mr. Zangwill, the censor didn't object to any character or the drift of any argument or anything vital to the plot or the play but merely incidental phrases and opinions which he was asked to alter like: "Christ comfort you," asking for the substitution of "Our Lord comfort you." Another objectionable expression was the statement, "The real Good Friday would be that which brought the cure for cancer;" others were "The God who will send Tuberculosis, even through the Communion chalice;" "That shrine of superstition in Westminster;" "I've got my eye on a workman-like little place in a commanding position with a ten-year lease--it was in the Baptist line before," the censor suggesting a substitution of the word Non-Conformist for Baptist. Zangwill admitted that some

of the religion expressed by the author might shock a orthodox person of some denominations but the orthodox views, he maintained, are duly and sincerely represented and there is nothing that treats of religious matters in a frivolous spirit. There was nothing in the play that could be objected to on the grounds of morality for it contained no sex interest of any kind. Zangwill subsequently refused to modify the play in order to get a license. A well-known actress who wished to produce it wrote to him, "If it were any use, I'd ask you on my knees to omit the few lines the censor objected to and let it be played," but Zangwill refused adamantly.[1]

When Shaw's "Major Barbara" was submitted, the censor and the producer had a discussion about the advisability of passing the play. The censor asked the producer, if he thought the feelings of the Salvation Army would be outraged by its being put upon the stage. Fowell and Palmer find this comparable to the companion picture of Larbent saying that government did not intend that Methodists should be ridiculed. However, Barker had fortunately been in communication with the Salvation Army and instead of their feelings being outraged, they regarded it as an excellent advertisement. The incident merely brings out the solicitude shown by the censor lest the Salvation Army should be outraged. On the other hand, in the play by a Mr. Bleater called "Sewage" (being a good imitation of Barker and connoting filth and waste), the censor didn't bother to concern himself with the possible outrage of Barker's feelings.

[1] Fowell and Palmer, pp. 214-216

[2] Fowell and Palmer, pp. 218-219

When Sydney Grundy's play called "May in December" was banned by the censor, Grundy wrote and asked him why. He replied that his office did not recognize authors and he could take no official notice of his existence. This is merely typical of the censor's consistent failure to recognize their existence, their dealings being solely with the producing managers.[1]

In 1922, Shaw's "Mrs. Warren's Profession" was again refused a license for production.[2]

A few more recent instances of the exercise of the censorship were brought out in the report from Alan Dale of the Hearst Press in 1924. "White Cargo" was voted as an offence against ordinary decency and its unpleasantly realistic dialogue was roundly censored. According to its critics, its colored heroine in decolletée reduced the play to the level of the lowest revue. Wycherley's "The Country Wife" and Congreve's "The Old Bachelor" were revived but were denounced as unadulterable filth without considering the usual argument that they are generally rated as classics.

A good instance of the rigors of British Censorship was brought out in Milne's "To Have The Honor," presented by Sir Gerald du Maurier and originally entitled "To Meet the Prince." The censor instantly objected, and Milne had to succumb even though the play did not have the slightest satire of any living title and had no suggestion of the Prince of Wales.

In the same year, there took place the severe and inexplicable censorship of Charles Rann Kennedy's "The Chastening." The play was banned, and Kennedy was compelled to produce it at St. Paul's,

1 Fowell and Palmer, p. 194

2 Haight, p. 60

where it was given free in church after suitable advertisements. The play was followed by a prayer and a hymn, and might have easily passed as part of the service except that a blue-decked platform revealed the stage.[1]

In September, 1925, anticipating the possible production of Noel Coward's "The Vortex" and "Fallen Angels," a number of English Churchmen led by the Bishop of London sought to transfer the duties of play censorship from the Lord Chamberlain to a Committee of the London County Council. Coward had already published these with an introduction defending what has been charged against him as the "unpleasantness of some of his themes," He maintained that the British public desires to be amused and not enlightened and wondered if the theatre was a medium of expression setting forth phases of reality or merely a place of relaxation where weary business people witness a pleasing spectacle unrelated to the hard facts of existence and demanding no effort of concentration. He felt that there is so much petulant assertion about unpleasantness in real life that they should not be harried in the theatre. Coward considered the cause of the current decline of drama the mental incapacity to regard it as art on the part of the 90 per cent of people concerned in it. To Coward, that was the advantage possessed by Dryden and Congreve, on whose picked public they could count to establish some sort of artistic relation. The "London Spectator" among other periodicals defended Coward in part, recognizing the need of a censorship which would base its decisions on the intentions

[1] Editorial, "The Censors are Bleaching Plays Abroad," in "Current Opinion," September, 1924, pp. 328, 337

of the piece, not on some mechanical rule or the number of swear words permitted per act. It felt that an honest and sincere author should be allowed without suppression to state the facts, however repugnant. If he reveals no point of view other than to excite erotic responses, then clearly the production should be prohibited. It was generally thought that the Bishop's suggestion to suppress all plays whose general tendency was immoral or indecent would be out of place since that would be the end of all real freedom of thought and opinion on the stage.[1]

Some of the outstanding plays at the time of this latest agitation, either in quarantine or actually banned, were Ernest Vajda's "The Harem," "The Hurricane" (author not stated), and O'Neill's "Desire Under the Elms." Most of the critics of the system felt that, whether or not a play should be banned, the machinery for determining such matters was about the worst devisable. It possessed a charming quaintness extending only to public performances so that The Repertory Players, a private organization, was going ahead calmly with Vajda's play. The dramatic critic of the "London Morning Post" went so far as to suggest a Banned Play Society for that purpose alone. The same situation maintains today as in the time of Henslowe or Burbage, when it was completely impossible to guess in advance what the censor would or would not do. Today, one censor says <u>never</u> on "Ghosts," and his successor declares that he is proud to recall it to the stage.[2]

1 Article, "Troublous Plays in London" in "The Literary Digest" Vol. 86, September 5, 1925, pp. 30-31

2 Editorial, "London's Censor" in "The Living Age" ("Life, letters, and the Arts" section) Vol. 326, p. 643, September 19, 1925

The present situation in connection with the censorship of plays is perhaps best summed up by G. S. Street, who in 1925 gave his own views. Eleven years he had been Examiner of Plays--five alone since 1920 and six before that as colleague to Kendall. Street feels that some kind of censorship must exist in all civilized communities. Although police interference would occur if public decency were outraged, he is yet convinced that previous consideration and licencing are indispensable in the interest of the theatre. In the absence of censorship, pressure would be brought on the government to put the police in motion. Street thinks it undesirable to exclude greater freedom in facing problems and frankness in reproducing speech and manners which began sixty years ago after the extreme reticence of the nineteenth century. This is the view taken by the censorship in recent years.

Today, the greater pressure is not from the intellectuals who demand a broader freedom but from those who want a stricter censorship. The right course is to hold an enlightened balance, extend freedom to the point of reasonable protest, and curb attempts to attack by pruriency, salacity, or intolerable vulgarity.[1]

In 1929, Marc Connelly's "The Green Pastures" was forbidden in England since representation of the Deity was still taboo on the English stage, although in the same year, the play was awarded the Pulitzer Prize in the United States for being the best play of the year.[2]

In 1931, the Lord Chamberlain refused to license Marie Stopes's "Vestia," although it was legally circulated in book form.[3]

1 Street, G. S., pp. 348-357

2 Haight, pp. 73-74

3 Haight, pp. 66

About this time, Rudolf Besier's "The Barretts of Wimpole Street" was licensed by the Lord Chamberlain and proved one of the most successful hits of the period. Referring to her acquisition of the acting rights to the play, Katharine Cornell mentions a libel suit brought by the Barrett family, which made the London run so spectacular. Apparently the Lord Chamberlain had forgotten his custom about licensing any play that represented on the stage in an invidious manner a living person or any person recently dead. The Moulton-Barrett family considered the play a libel on their grandfather's memory and tried to have the play closed. There was a great hullabaloo and much side-taking. Shaw wrote an angry letter the "Times" refused to print. The play continued and earned 112,000 pounds in 18 months.[1]

For years it would have been out of the question to see a play like Housman's "Queen Victoria" on the London stage even though it offered nothing but the most amiable memories of the late sovereign. When Edward VIII was holding an important place in the newspaper headlines in December, 1936, somewhere in less important places in the same papers an act of his came very near being passed over. He lifted the ban on the presentation of plays in England dealing with the life of his great-grandmother, Queen Victoria, to become effective in June, 1937. This was bound to have a considerable effect on British films and plays.[2]

It may be safe to suppose that the Catholic Theatre Movement organized in 1932 to censor the theatre for Catholics, and discipline it by pressure through recommendation and boycott has had some effect

1 Cornell, Katharine, "I Wanted to Be an Actress", pp. 104 and 270

2 Hughes, Elinor, "Life of Queen Victoria to be Filmed in England" Boston Herald, (theatrical page) December 8, 1936

on English drama and films either directly or indirectly, since the Catholic Church is universal in its scope and its movements of Catholic Action are pretty much uniform throughout the world. A Catholic White List is published weekly classifying plays as (a) satisfactory, (b) partly satisfactory, (c) wholly objectionable. Examples are as follows: (a) Victoria Regina; (b) "Parnell" and "Winterset"; (c) "Boy Meets Girl", "Tobacco Road", "Dead End." This organization is to the legitimate stage what the National Legion of Decency is to the screen and radio.[1] In a later chapter in this work, on the subject of films it is clearly brought out that American films and critical standards affecting them have in turn a very strong influence on English films.

In 1935, The Bishop of London was active in another censorship campaign, this time against semi-nudity on the stage. It evoked a spirited letter from Marie Tempest, who felt his group was a well-organized and highly influential body working on lines which might well set back the clock and result in a return to what Richard Aldington called "the false idealities of the last age." Although she admitted feeling a little old-fashioned at times, she did not consider herself entirely without feelings of decency. She did object, however, to any attempt to revive the activities of the Prudes on the Prowl, the Spying of the Stiggenses, and the Chortling of the Chadbands.[2]

[1] Soble, Bernard, "The Theatre Handbook and Digest of Plays, p. 134

[2] Craig, p. 84

Such criticisms on the part of the clergy generally have resulted in a temporary change for the better but shortly after, conditions seek their original level again.

In 1936 Lillian Hellman had some censorship trouble with the Lord Chamberlain over her play "The Children's Hour," which he had read but would not allow to be presented publicly. I wrote to Miss Hellman in 1940 for information regarding the case. A copy of her gracious letter will be found at the end of this book. She says the play was done by Norman Marshall at the Gate Theatre in what was called a "private showing." The book itself was not banned and is still being sold in England. There was no trial of any kind. The Lord Chamberlain, says Miss Hellman very aptly, is the be-all and end-all of censorship.[1]

Before leaving the question of censorship of the drama, let us recall that the office of censor had a very slender origin but eventually became legally crystallized and followed an historical development into the thing it now is. Through the years, the motives underlying its activities varied, going through the stages of personal gain, suppression of disruptive elements, and finally a filtering of public morals. In this development the phases underlying censorship have followed almost a parallel line with various forms of censorship of the press. The one outstanding difference today is that where the press has become free, the drama has remained restricted.

[1] cf. Lillian Hellman's Letter in my Index, p. 590

CENSORSHIP OF THE PRESS

Censorship of the press, running through a long period of development in England, reached a climax and then gradually died away leaving behind it certain traces which have come down to us to the present day. It has gone a long way from the informal existence which it had, after being suggested by Plato in Greece and again in Rome, through the period before the Reformation, when the influence of the Roman Catholic Church was so extremely strong, a period in which condemnation of heretical books was carried out by the State. In this mediaeval period, we have seen how the suppression of books subjected to by its authorities took place and how even stricter censorship prevailed after the invention of printing. In 1479-1480, books were printed accompanied by solemn approbation and after 1515, books which had not been examined by Church authorities were censored. After the Reformation in England, however, the appointment of licensers of books (mostly bishops) took place. In 1586, there was a censor of printing under Queen Elizabeth. In 1637, we note the establishment by the Star Chamber of a general system of censorship, later confirmed by an Act of Parliament. A few years later in 1644, we noted Milton's "Areopagitica," his famous plea for unlicensed printing, a classic in the history of literature and of censorship as well. And in 1693 there occurred the abolition of censorship of the press. These dates are but a few highlights the course of the censorship of the press followed in its history. But since the last decade in the seventeenth

century, the press, despite all the instances mentioned above in the chronological survey, has been comparatively free and untrammeled.

The immediate result of the refusal of the House of Commons in 1695 to renew the Licensing Act was to expose authors to the attacks of literary piracy, and in 1709 the first Copyright Act was enacted for their protection.[1] This began a new period in the evolution of the law of literary property, for the position of authors became less defenseless. Hitherto, the author had been completely ignored in the purely trade regulation which required a member of the Stationers' Company to enter a "copy" in the company's register; when the author was granted a monopoly of a work for a given number of years, it was an exceptional case. The virtual control by the Stationers' Company of the whole trade and the fairly efficient supervision of its members in the sixteenth century became undermined during the seventeenth by outside piracy and less orderly influence within the ranks. With the lapse of the licensing laws in 1694, booksellers were at a loss as to how to protect their property, so when Parliament came to their rescue with this Copyright Act, called "An Act for the Encouragement of Learning," it was a God-send. It provided a twenty-one year protection (with privileges of a fourteen-year renewal if the author was still alive at the end of the first period) to the owner, whether author or bookseller. Notwithstanding the definite time-limit expressed in the Act, publishers still clung to their belief in the

1 "Press Laws"- Encyclopedia Britannica (11th edition) Vol.22, p.300

existence of perpetual copyright in their properties, and continued to take from authors works on that basis. They not only believed in such a right but backed their belief by purchasing copyrights on that basis, and by actions at law against any who infringed their privileges; and so the laws of copyright continued to be fought by the publisher, the author still rating as a nonentity in the conflict. The Cambridge History, from which this information is culled,[1] cites the two most important cases of the eighteenth century as arising out of the same book, James Thomson's "The Seasons," which, in 1769, established the claim to perpetual copyright and, in 1774, was the instrument through which that right was finally abolished. The period of copyright as defined by the 1790 Statute remained unchanged until 1814.

Through the succeeding years, the printer, bookseller, and author continue to be the three principal agents concerned in the production and distribution of books, although the balance of power has changed. The printer had his day in the sixteenth century; by the eighteenth, the publishing bookseller had acquired the ascendancy; the author, though rapidly gaining ground, came into his own toward the nineteenth, considered more importantly by the publisher, recognized by the reading public as a member of a liberal profession.[2]

Thus, the law of copyright protected the author and bookseller, and helped censor pirated editions.

Another step in the further development after 1695 of the

1 C. H. E. L., Vol. XI, pp. 346-351

2 Ibid, p. 351

free press in England was the declaration in 1765 (in the case of Entick vs. Carrington) that the power was illegal of a Secretary of State to issue a warrant, to search for and seize the author of a libel or libellous papers--a power that had been exercised by the Star Chamber and been confirmed by the Licensing Act.

In 1855, the compulsory stamp duty on newspapers was abandoned, the duty on paper in 1861, and in 1870, the optional duty on newspapers.[1] The abolition of these restraints made the press freer and more to be enjoyed by a wider range of people. In this way, they put a stop to a virtual censorship that always exists when restricted publication prevails. And so, says the Britannica,[2]

> "from that time the English press may be said to date its complete freedom, which rests rather upon a constitutional rather than a legal foundation, and is not confirmed by any provision of the legislative authority as in many countries."

The great exception is censorship that prevails in times of war and of course a time of war is not a usual state of affairs and it is only to be expected that in a state of emergency, censorship of the press would be enforced. In the last World War, the operations of the British Press Bureau come forcibly to mind as active expressions of war censorship, the most outstanding example of which was probably the suspension of the "London Globe" from November 6, to November 22, 1914.

1 Britannica, Vol. XXII (11th edition) p. 300

2 Ibid, p. 300

Aside from war censorship, which is censorship from a purely military rather than a literary point of view, there is no censorship in modern times of the press except a few cases.

What few existing restrictions on the liberty of the press exist are presumed to be imposed for the public benefit. We have seen already how the rights of private persons have been protected in one direction by the law of libel, in another by the law of copyright; the code of criminal law provides for the cases of press offenses against morality, public justice, etc. Under the laws regarding contempt of court, the courts may punish summarily as contempt the publication of comments upon proceedings sub judice or reflections upon the conduct of judicial officers. The last vestige of pre-censorship exists in the licensing of stage plays, with severe penalties for failure to observe the regulations. The last relic of the monopoly of printing, once granted to licensees of the Crown, is found today in the exclusive right of the King's printer and the Universities of Oxford and Cambridge to print the Bible (i. e., only in the Authorized Version and not if accompanied with new notes or marginal readings) and the Book of Common Prayer, and of the King's printer to print Acts of Parliament and other State documents (these rights and privileges being confirmed and protected by royal enactments and the imposition of severe penalties); the publication of Parliamentary debates in any form by any other persons than the printers of the journals of the two Houses is still in theory a breach of privilege, but in

practice, they have been fully reported since 1771, when the House of Commons made its unsuccessful attempt to prevent publication at all.[1]

Any other press restrictions are largely those imposed for police purposes. In 1869-70, in confirmation of previous enactments applying to Great Britain, the printer of any paper or book for profit was required to print thereon his name and address or the name of a university press, and (with a few exceptions) to keep a copy of everything printed; and a schedule of regulations for suits for penalties was established in the same year. In 1881-82, the Newspaper Libel and Registration Act provided for (in England and Ireland but not in Scotland) the registration of newspaper proprietors (except in case of joint-stock companies) and the filing of annual returns of the title of the paper and the names of all proprietors, with their occupations, places of business, and places of residence. In 1883 and 1884, the Corrupt Practices Prevention Acts required the name and address of the printer to appear on all bills, placards, etc., having to do with a parliamentary or municipal election. Since 1843, playbills have had to include the name and address of a theatre's manager. Offences against decency by the press are provided for by many enactments, a few being in 1840, 1857, 1862, and 1876. The Larceny Act of 1861 took care of printers of advertisements offering rewards for the return of stolen goods without "questions asked;" similarly, with regard to advertisements of foreign or illegal lotteries.

1 Ibid, pp. 300-301

The right of an author or publisher to the full profits of his undertaking we noticed was restricted by Queen Anne's Copyright Act in 1709. This act empowered the Archbishop of Canterbury and other officials to lower the prices of books upon complaint that their price was unreasonable. The only such restriction today existing is the obligation of delivery (without request) to the British Museum of a copy of any work published within the United Kingdom, and of delivering (on request) copies for the use of the University libraries at Oxford and Cambridge, the library of the faculty of advocates at Edinburgh, and the library of Trinity College, Dublin.[1]

This, then, is the story of the censorship of the press.

It must not be supposed, however, that the course of this freedom from censorship in 1693 has always run smoothly. There have been occasions off and on when much agitation prevailed to reestablish the censorship of the past, sometimes more obviously than at others. For instance, there was in 1771, an unsuccessful attempt by the House of Commons to prevent publication of its debates, and then from 1819-1836 the imposition of a tax of fourpence a copy on all periodicals, amounting to a censorship of readers, if not of the press itself.[2]

FREEDOM OF SPEECH

Freedom of speech is closely allied to freedom of the press, subject to practically the same regulations and restrictions; although generally we consider literary expressions to be

1 Ibid, p. 301

2 Americana, Vol. VI, p. 193

something in written form, it is not unreasonable to imagine that literary censorship may apply to speech as well as writing. It does not take too vivid an imagination to picture an orator in Parliament or on the public platform discussing subjects and persons in such a way as to leave himself liable to damages for injuries by slander or to criminal punishment for speaking or publishing blasphemous, obscene, indecent, or scandalous matter.

A person exposes himself to civil and criminal liability when he publishes by writing or printing matter calculated to injure the business of another or his character by bringing him into ridicule, hatred, or contempt under circumstances rendering such publication unjustifiable without lawful excuse. He exposes himself to civil liability and to damages for injuries when he gives oral rather than written expression to the same ideas and is said to be guilty of slander instead of libel. In many cases in the history of censorship of the press, when books were banned and burned by the common hangman, the action was nothing more than the culmination of anger and resentment felt toward the author of the book because of his activity and the freedom of speech which he had been enjoying. The history of the freedom of speech in England runs along parallel lines with freedom and censorship of the press.

Progress in the freedom of the press (as well as the right to hold public meetings and criticise existing institutions) came through discussion and criticism.

British thinkers, says Beard, early recognized this fact and the rise of the Whig and Tory parties, alternating in and out of power, gave England, by the middle of the eighteenth century more freedom of speech than was enjoyed anywhere else in Europe. Nevertheless, in times of great excitement, as during the French Revolution, the English government arrested and imprisoned citizens for demanding the mildest reforms or making the slightest criticism of the King and Parliament. During the agitation after the French Revolution, a suspension of the freedom of expression prevailed, and the movement for political reform, which had been fashionable under such men as the younger Pitt and Fox, had come to be considered seditious. A number of laws were enacted for the purpose of suppressing even the slightest of agitators. This, naturally, put a curb on freedom of speech as well as on freedom of writing.[1]

After the overthrow of Napoleon, orators, writers, and other agitators redoubled their efforts to arouse the working class to action. Hampden Clubs were founded to propagate reform doctrines, and monster demonstrations and parades were organized to impress the government with the great strength of the movement. At one such meeting, in Manchester, in 1819, the police and soldiers attacked the bystanders without provocation and killed and wounded a large number (The Peterloo Massacre). The government, frightened by the growing agitation, passed

[1] Markun, p. 225

six drastic laws restricting freedom of the press, freedom of speech, and public meetings, known as the Six Acts. But this legislation was so violently opposed, it was soon repealed.

By the middle of the nineteenth century, the rule was established that anyone could say what he pleased about the government so long as he did not incite people immediately to violence. This has been substantially the situation ever since so that when during the World War, rather harsh restraints were again laid upon freedom of speech, they were regarded as temporarily setting aside the established principles of freedom.[1]

Throughout all my studies so far, the reader can hardly have lost sight of the three outstanding threads--religious, political, and moral--that have woven themselves in and out of the pattern of censorship. In the early years, the religious thread predominated, but the thread representing politics appeared as well; then the emphasis shifted to politics and morality; and in the last century, the thread of censorship recurring most frequently and most noticeably has been the one labeled morality.

The threads fade, the importance of one or another changes, but the weaving goes on and on.

1 Beard, Robinson and Smith, pp. 370-71, 383

RADIO.— "THE NEW JOURNALISM OF THE AIR" (1)

No student of modern censorship can properly consider the subject without taking into consideration Radio and its importance as a social factor. Dr. James Rowland Angell, Educational Counsellor of N.B.C. and former President of Yale University, in speaking in the United States in 1937 before the Second National Conference on Educational Broadcasting(2) about its unparalleled influence on public opinion, thought, and attitude, called it the greatest world agency that has ever existed for the direction of human relations. I cite Dr. Angell as one authority for that statement, but I might say here that practically all writers on the subject of radio, as well as Dr. Angell, begin their comments with similar judgments. The key to the relationship between radio and censorship lies in Dr. Angell's phrase, "for the direction of human relations;" with that aim in mind, determining powers, whether banning or propagandizing, link the two together for us.

Fully to appreciate the fact that material presented over the radio has greater power of suggestion than that read on the printed page, we might take up the truth about the Harvard findings on oral versus visual presentation, by three eminent Harvard psychologists, Dr. Hadley Cantril, Dr. Gordon Allport, and Dr. Merton Carver, as a result of an intensive study they made prior to 1937. Their findings reveal(3) that subjects used got

(1) Harper's Bazaar: Feb. 1941, p.78.
(2) Congressional Record, vol. 82, pt.III, pp. 577-8.
Summers, H.B. "Radio Censorship" p. 13.
(3) C.B.S. booklet, 1937; Summers, pp. 17-18.

facts better when heard; that abstract material (like political talks and expositions) as well as narrative was more easily assimilated; that numbers and simple words were remembered better through oral than through visual representation; that sentences, subjects, short prose passages, and directions, given verbally, were all more easily remembered. This surely ought to prove the popularity and effectiveness of appeal possessed by radio, and suggest in part the ghastly power involved for the malign and sinister purposes of propaganda and censorship.(1)

When did England become faced with the possession of this new power -- for good or ill? Let us look briefly at the matter, historically.

Although wireless communication on a commercial basis goes back to about 1897 and amateurs had been carrying on independent experiments for many years, it wasn't until about 1919 in a little hut at Writtle that the first informal broadcast, to some seven hundred members of the Wireless Society, took place. In the next year (1920), we find the Wireless Society petitioning the Postmaster General for permission to hold regular broadcasts of wireless telephony. This was to be expected, since the Post-Office was in a position to regulate broadcasting from the first; and indeed, says Buehler,(2) under the constitutional necessity of doing so. This might surprise the American reader, for, in the United States, communications are not a public service and the national authority would not be obliged to take a stand-point

(1) Angell, J.R. pp. 577-8.
(2) Buehler, E.C.--compiler of "American versus British System of Radio Control" in The Reference Shelf series, Vol. 8 - #10, p.75.

in the matter; but in Europe, even in the countries where democracy still has not lost its sway or footing, the attitude is that the government owns the air, and all of the thirty national broadcasting systems have more or less rigorous State supervision.(1) And so, in 1920, we find the Postmaster General authorizing half-weekly broadcasts at Writtle.

In May, 1922, the House of Commons authorized, as the result of an agreement between the Postmaster General and the radio manufacturers, regular broadcasting, and Station 2LO was opened, broadcasting from Marconi House in the Strand, London, loaned and operated till the end of the year under auspices of Marconi Company.

In December 15, 1922, the British Broadcasting Company was registered, and licensed in January, 1923, as of November 1, 1922.

The Company took over the existing stations at Birmingham and Manchester, owned and operated by the Western Electric Co. and the Metropolitan Vickers Company. Financed and guaranteed by a group of wireless manufacturers and with the appointment of a general manager and other officials, the British Broadcasting Company officially began its public service and functioned from 1923 through December, 1926.(2)

Unlike radio development in the United States, where the pace of its progress proved too hot for careful thought and planning,(3) but important for European practice as well as British broadcasting because it marked the intention to make broadcasting a public service to subserve a public need (to be

(1) Summers, p.278.
(2) Buehler, p. 74.
(3) Ibid, p. 75.

determined exactly through experience), the organization of broadcasting in England did not follow the line of least resistance, which might easily have allowed commercial broadcasting for entertainment alone with some form of competition. On the contrary, it chose otherwise and, looking at the future as well as at the immediate moment, it adopted unequivocally the principle of putting broadcasting in the hands of a single and undivided organization with public service as a motive.(1)

We find that at the end of 1926, the British Broadcasting Corporation supplemented or rather supplanted the British Broadcasting Company, and was granted a ten-year charter. Armstrong Perry, the director of its Service Bureau, whom the National Committee on Education by Radio sent to Europe from the United States in August, 1931 to study radio in the different countries, told in his account of the B.B.C. organization(2) that the British Broadcasting Company was dissolved and changed to the British Broadcasting Corporation as a guarantee against the exploitation of listeners by the radio industry which controlled the company.

The management of the British Broadcasting Company was in the hands of a board with a chairman appointed by the government and the other directors by the wireless manufacturers. It was, as I have pointed out, non-commercial in character, and this character was maintained by limiting profits through fixed dividends, and by prohibiting advertising. The chief source of revenue was a share of the license fees to be collected by the

(1) Ibid. p. 75.
(2) "Education by Radio"--vol. II, no.7, Feb. 18, 1932. Buehler, p. 120.

Post-Office from listeners (this last device was adopted later by Japan, almost all the British Dominions and all of Europe). Temporarily, another source of income was a levy of royalties on sets, which, in order to exclude the use of foreign ones and discourage home construction, were required to bear a BBC mark; but by the end of a year, it was decided to abolish royalties as from the first of 1924. The company's share in ordinary license revenues increased as a result of this change and in turn, its partial dependence on the wireless trade diminished.(1)

About this time a Parliamentary inquiry by the Sykes Committee recommended a two-year extension of license, recognizing the immense social and political possibilities of the medium of radio, and urged a further extension of services. This resulted in the establishment of relay stations. Another recommendation, which was not to be realized for some years, was the removal of news-bulletin restrictions, which had been imposed, it is true, by the Post-Office, but only at the instigation of the press, at the outset.

Although there had been no drastic changes in the system, there had been continuous development and perfection. Fundamentally, the B.B.C. remained unaltered to the expiration of its license at the end of 1926. In 1925-26, another inquiry Committee, the Crawford Committee, reported in favor of the national broadcasting authority taking over the staff, system, and plant as a going concern. This was effected, January 1, 1927, when the Corporation replaced the Company, with the staff and the public barely sensing the change. The shareholders were eliminated by

(1) Buehler, p. 76.

being paid off at par, and the assets were transferred to the Postmaster General and by him back to the new body. The wireless trade directors were replaced by Crown-appointed governors. This board of governors, made up of a chairman and four others, was appointed by the Crown for a term of years and is the body to whom the charter is granted and on whom the responsibility rests. Following the change in organization, there was an expansion in the program and especially the administrative branches, as well as in the number of licensed listeners (who in 1932 numbered almost as many as those in "free" America). Always, though the tendency has been one of centralization, the Corporation has worked on the basic principle that broadcasting should be operated on a national scale for national service and by a single national authority, any future modifications seeming to affirm the principle.(1)

The British Broadcasting Corporation has provided a bridge, says Lord Hurtwood in the 1933 Broadcasting Yearbook, for all opinions to cross without evil consequences into a world of State enterprise, but also has created a barrier across the path of doctrinaire advocates of extreme nationalization.

The British Broadcasting Corporation is an excellent instance of a nationally owned and controlled activity. The electors from time to time choose representatives for Parliament, which has created a monopoly under the control of a separate corporation to which a charter has been granted, giving it the rights and responsibilities of broadcasting. These rights are actually defined to the Corporation in the form of a license from the Postmaster General, who acts as the repre-

(1) Buehler, pp. 77-82.
Hurtwood, Lord Allen, in British Broadcasting Yearbook, 1933, pp. 9-18, pp. 51-8.

sentative of the government (really a liaison agent between the corporation, the Crown, and Parliament), which in turn depends on the authority of Parliament.

Parliament reserves to itself, through license arrangements, an ultimate power in case of need to take over direct control of broadcasting. Similar reservation of power is taken in the license whereby the government may require the Corporation to broadcast anything a government department desires and to abstain from broadcasting anything which the current government -- subject to Parliamentary control -- wishes to prevent. Although these rights may seem formidable and very complete, they have very rarely been exercised. In fact, the independent authority of the Broadcasting Corporation has been left practically unfettered in the day-to-day development and control of the function entrusted to it.(1)

Only once in his twelve years at the B.B.C. prior to the present war, says Charles Siepman, erstwhile director of programs there, who began in 1939 a three-year appointment at Harvard for research into the educational possibilities of radio, can he remember when government pressure (and this was indirect, he says) resulted in the exclusion of a programme planned by the B.B.C.; this was a talk by a German submarine commander on his activities in the Great War.(2) However,

(1) Buehler, p.84 and p.120.
(2) Shortly after Mr. Siepman's arrival at Harvard, I wrote him in quest of information regarding certain phases of English censorship today, especially in connection with broadcasting. Mr. Siepman's answers to my questionnaire will be found at the end of this dissertation.

other references which I shall use shortly would seem to suggest a difference of opinion as to the actual intervention of censoring authority.

Buehler points out the B.B.C. as a new and good illustration of the skillful manner in which the British race has developed the art of government. England's unwritten constitution has grown up, with a king at its head, by stages without either logically or rigidly operating its legal powers and rights. The same is substantially true in the case of this new governmental experiment of a nationally-owned constitution for broadcasting. Parliament actually retains the ultimate power, through the government, to control the B.B.C. in the same way the king has theoretical powers in the State; yet, in neither case has practice permitted a rigid carrying out of a constitutional authority which technically exists. The Corporation is controlled by a board of governors nominated for a period of years by the current government. The governors then appoint a Director-General (except the first one, who was nominated in the charter), to whom is entrusted the executive organization of broadcasting. Just as the popularly-elected Parliament surely intervenes through its government to control the Corporation, so the governors of the Corporation have been wise in extending powers and freedom to the Director-General and his staff in the execution of an approved policy.

The success of such a constitution for broadcasting depends, as in the case of the British Constitution, on a balance of powers in which one checks the other: the legislative in both cases is the popularly-elected Parliament; the executive in the

body politic is the current government and in the Broadcasting Corporation the Director-General and his staff; the judiciary, interpreting the law in the political organization, is the board of governors in the B.B.C., standing between the legislative and the executive. By such a subtle balance of power, authority is retained by the elector, while the value of initiative is through the process of delegation from Parliament to the B.B. Corporation. And so, the dead hand of the State is kept in the background.(1)

Now the question arises as to how active or numb that hand in the background really is. We saw its activity when the question arose as to who should control radio broadcasting and the result was the creation of the B.B. Company.(2) Its presence is to be found also in the control exercised by the board of governors as well as that by executive officials,(3) in the determination of the policy of the Corporation. That censorship or supervision exists is to be concluded from the fact that, as in other democracies, all supervision during election campaigns is to be suspended.(4) Publicity of any sort is banned; it is allowed to mention producers of phonograph records used in a broadcast, or the name of the sponsor of a program, but any other advertising is out of the question.(5) The announcer is not allowed to show any personal bias. Only vital news is allowed; i.e., facts only of concern to all. The only news

(1) Buehler, pp. 84-5.
(2) Beard, C.A., Robinson, J.H., Smith, D.V., p.569 in "Our Own Age, a History of Civilization"
(3) Buehler, p. 74.
(4) Summers, p.279.
(5) Buehler, p.120.

sources are to be Reuter's, Exchange Telegraph, Press Association, and Central News. Any mention of crime is but rarely allowed, except perhaps when asked for by the police in order to solve a crime.

According to the charter, a certain part of the daily radio program must be educative. It is the custom of the Corporation to have the subject of the Christmas program, participated in by the King, approved in advance by the Lord Chamberlain. This strongly suggests the system followed in the censorship of drama.

These, then, are a few of the "policies" that rub the fringes of censorship.

With the passing of the British Broadcasting Company into full government management in 1927, the question of radio and free speech came forward. In 1927, very shortly after the Company became a Corporation, Julian Huxley ruffled those fringes quite noticeably. It disturbed him exceedingly that his indiscreet remarks on birth control should have brought a blush to the cheek of Sir Arthur Newsholme, a medical man and member of the National Social Hygiene Council. Huxley was annoyed that his little straight talk on such a vital subject should so embarrass Sir Arthur and questioned what future hope remained for broadcasting or, what he felt amounted to the same thing, the perpetuation of the Empire. "The Living Age," from which this whole account is taken,[1] defended the present system as opposed to the earlier one a year back (under the B.B.Company) when birth control was taboo. There is a discrepancy involved, or at least, a slight inconsistency. The editorial says that now

(1) "The Living Age," Feb. 1, 1927, Vol.332, p.269.

under government supervision, when Huxley talks turkey, the studio manager says afterward that such things are not allowed and that he can't imagine how such a gross infringement of ordinary decency can have occurred. Here is an instance of definite post-censorship. Huxley hoped for a free controversy over the matter, feeling the publicity would strengthen his plea for an honest application of scientific methods -- that would mean coming down hard on what they thought scientifically false just as the present God-fearing crowd were doing on what they knew was morally wrong. The root of the whole matter lay, says The Living Age,(1) in the fact that all London has but one broadcasting station. Such a situation is bound to cause boredom to most of the people most of the time, since tastes vary so widely. It suggests the opening of another station and thereby providing an alternative. Although the international broadcasting expert, Captain Plugge, rated England far behind Central Europe in radio prowess (comparing her one station with Germany's seven high-powered ones and Paris' three to five), the Morning Post was willing to venture that England's one was far superior to all Germany's seven. Then ending the discussion, The Living Age makes the significant remark, "Unlike the United States, England has stringent laws controlling the air." This would seem to be averse to Mr. Siepman's opinion that there is no censorship of any sort and that the term "government supervision" is inaccurate; Mr. Siepman says the B.B. Corporation is subject to criticism in Parliament but not to control by Parliament, that the Postmaster-General (according to the

(1) Ibid. p. 269.

charter) may order an inclusion or exclusion of any matter for broadcasting, but like many constitutional provisions, this has been more honored in the breach than in the observance.

The importance of the monopoly possessed by the B.B. Corporation was demonstrated in England at the time of the General Strike. Surely, the importance of censorship's role in this connection Mr. Siepman can hardly gainsay.

To my mind, perhaps the outstanding piece of English radio pre-censorship is the Baron Aloisi case in October, 1935.(1) Although, when it comes to broadcasting controversial matter, there is generally no greater liberality anywhere in Europe than in England since it is the custom to balance opinions of both extremes to avoid violent protest and attack,(2) yet the Baron Aloisi broadcast showed a decided dearth of such liberality. The arrangements were planned on the usual liberal basis, but were changed as we shall see.

Mr. Edgar Ansel Mowrer, an American newspaper correspondent in Geneva, planned via the Columbia Broadcasting Company a radio debate, for the American public, on both sides of the Ethiopian question. On October 10, he introduced at the microphone Mr. Tecla Hawariate, the head of the Abyssinian delegation, who stated his case in broken English and expressed his gratitude for interest in his country's affairs.

The next evening (October 11) Baron Aloisi -- Mussolini's mouthpiece -- was ready to present his side of the controversy,

(1) This account is taken from Buehler, p. 280, and Summers, p. 282.
(2) Summers, p. 280.

but neither he nor Mr. Mowrer had foreseen the intervention of the British Foreign Office and the British Broadcasting Corporation. At 6 p.m., the authorities at Rugby (where trans-Atlantic broadcasts are relayed through one of the most powerful stations in the world, appropriately called the nation's switchboard), were informed by the government that their station could not be used to broadcast the Italian defense. According to the "London Daily Express," the Foreign Office took the view that while the government had no objection to Italian propaganda of any kind, it felt, however, in view of the present state of affairs, it was not justified in allowing British facilities to be placed at the Italian's disposal. On the other hand, the British Government had no objection to Mr. Hawariate's telling the United States his views. Why was this the case? Precisely because his were in accord with those of the British, whereas the Baron's could influence his American audience and perhaps spoil the U.S. sanctions policy at the moment being determined, the British government prayed, for their benefit. It is the like of such a situation as this that inclines one easily biased to agree with that note of contempt in the dark young Indian's voice when, in explaining why the sun never sets on the British Empire, he said, "Because God doesn't trust an Englishman in the dark."[1]

The failure of his project probably did not astonish Mr. Mowrer because he, like most other American correspondents, was doubtless fully aware of the tremendous extent to which the British can and do color world news. We are reminded[2] in con-

(1) Weidman, Jerome: "A Letter of Credit" Abridged in Omnibook Magazine, December 1940, p.56.
(2) Summers, p.282.

nection with news-coloring of the British propaganda system of World War I working its way through the international cable "slot" in Fleet Street, which is truly the news switch board of the world. The full significance of the Ethiopian incident lies in that it marked the entrance of this system into radio and gave America a foretaste of what to expect in a future war -- and Summers' prediction has eventuated -- since even under democracies, where "wise" governmental regulation prevails, there is always some little problem or bit of news which the government prefers to slur over.

There is a very close kinship between radio and education, and between radio and propaganda it is equally close. Any one, says Mr. Siepman,(1) can recognize education or propaganda at their extremes, but once the field is narrowed, one finds the line separating one from the other is definitely a hard one to draw. Real education by radio is concerned with objective purposes, seeking to provide information to listeners as impartially as possible to give them a basis upon which they may formulate their opinions. The antithesis of this is to be found in propaganda, which is put out with the purpose of persuading people to a particular idea or principle which may or may not be in their own interests; propaganda seeks to arouse emotion and instill ideas that are not necessarily true by distorting history, suppressing essential facts, or by any other equally dishonorable and subversive means. Such methods bear out the ghastly power for malign and sinister purposes that can be possessed(2) by radio, the most potent weapon, the truly perfect

(1) Holt, C. Boston Evening Globe interview, Dec. 13, 1939, p.1.
(2) Quoted from Dr. James R. Angell, supra., p. 475

propaganda instrument, ever placed in the hands of a dictator.[1]

For years in the education field, it has been the policy of B.B.C. to broadcast three-hour programs used in something like five thousand schools. Not only is this policy determined by the governors of the Corporation; it goes further back than mere policy, because it is in the Charter that certain proportion of each program each day must be devoted to educational purposes. Siepman points out the present extra use to which the radio is being put in this connection, since the present War began. Though cut to two-hours, it is of even greater importance than in peacetime because of the dispersion of school children by the evacuation of London. Despite this "education" requirement in the BBC's Charter, the education side of the field is comparatively undeveloped in England. A field practically to itself, with a technique equally individual, it is a wise government that will not overlook the opportunity to exploit it. At present, there are no critiques, no established forms, no real guide to the users of radio for education,[2] and despite these deficiencies, the radio possesses powers for the integration of society greater than those possessed by any other agency.

It far surpasses in effectiveness the newspaper, the likeliest type of printed page to exert wide influence, in moulding attitudes and beliefs and in shaping the future of a nation. It is almost the chief news source in rural areas and psycholo-

(1) Kaltenborn, H.V.--"An American View of Broadcasting" in Annals of American Academy, Vol.177 - pp.75-8, Jan. 1935 Summers, p. 23.
(2) Holt, cf. supra.

gists, I have already mentioned, hold that the radio listener is far more suggestible, and therefore less critical than a reader. Man's attitudes and opinions and beliefs are the product of what he sees, hears and experiences; and at least what he sees and hears can be determined by the radio educator or propagandist, depending on which side of that indefinite dividing line the radio mentor prefers to be.

The radio propagandist by the direct and unabashed manufacture of public opinion enters the home as an amusing guest in some music, dramatic, or straight comic program. The listener feels he is amused; he may even know he is being educated; but the propagandist can so subtly pass from entertainment to propaganda by means of carefully edited news and contrived talks that he can take in his listeners completely and feed them palatable doses of truth he wants them to have or the untruth that he hopes they will down more certainly.(1)

In World War I, the value of propaganda came to be recognized and considerably perfected. George Creel, who was the head of the U. S. Propaganda service, and who sold to America the "Keep the World Safe for Democracy" slogan, is supposed to have said, "Give me two weeks and the proper machinery, and I'll change the so-called mind of the American public on any given subject." I cite this statement to show, though the reference is to America, it suggests the power of propaganda and that power as applied to any given situation or crisis in any country. Creel's precedents and techniques, vastly perfected since 1918, will sell America anew the idea of keeping the

(1) Summers, pp. 15-16.

world safe again -- this time, safe from dictators.[1] The chief difference from the last war lies in the deadlier weapon the dictators of today possess -- and that's the radio. In an accurate prophecy, Summers, by means of excerpts from Carl Forbes' "How Poison Gets Into Your Home" (1939), predicted that when the next war crashed down on a stricken world, radio would do more than any other single agency to work up the proper degree of hatred and savagery. For wartime propaganda, radio he identifies as a natural, a "honey," the answer to the warmonger's prayer, World War II's contribution to the science of combat, the perfect all-time Utopian propaganda instrument -- putting it briefly, radio fits the propaganda formula to a T.[2] The propaganda speaker deals in emotions; when you are listening, you cannot go back on what the speaker has said. As you start to, he says something else and you follow that. He goes on, and you go with him without having time to weigh the subject in your mind, or evaluate its justice and reason. You are unable to heckle or talk back. It is up to you to shut off the radio -- or listen. If you choose the latter course, you've got to take it. If you're listening to effective propaganda, you keep right on listening because you want to. The whole thing sounds good. Its exciting quality stirs you. Your thinking processes slow down, stop altogether -- and you're hooked![3]

Almost every conceivable type of program can be adapted to propaganda. The plain, unadorned garden variety speech

(1) Ibid. pp. 18-19.
(2) Ibid. pp. 18,19,21.
(3) Ibid. pp. 20-21.

says Summers, is just the Kindergarten of radio; but we must not forget the news broadcasts, the dramatic shows, the commentators, even the musical programs. He doesn't say in what country the following example of propaganda occurred, but it shows strikingly what clever planning of a musical program can do for a given cause. When Finland was facing trouble with Russia, the authorities had to forbid Sibelius' "Finlandia." Whenever five Finns heard it together, their impulse was to kill Russians with their bare hands.(1)

Needless to say, radio has played already a prominent part in the share England has had to date in the present War. Since spokesmen for all sides talk across national frontiers to the people of opposing sides, resort to radio, especially on the short-wave lengths, has been immediate. The British have been quick to adopt the custom the Germans had, even before the war, of short-wave broadcasts in several different languages and theirs are translated into thirteen different languages. Holt's interview with Siepman quotes the latter as saying it was not that the British broadcasts contained any particular propaganda, but it was felt more desirable that people outside Great Britain might at least be able to hear news and comments on events from the British point of view. Personally, I see in this nothing but propaganda. It was further essential to correct absolute misstatements of fact contained in German broadcasts and that accounts for the institution of their counter-propaganda short-wave broadcasts. This, according to Siepman, is practically the only change in the policies of the BBC brought about by the

(1) Ibid. pp.21-22.

war, that and the fact that the speeches of government officials, news bulletins -- I was interested tonight (Feb. 27, 1941) in listening to Paul Sullivan review the news over the Columbia network to hear him call the official British news agency BMT, "the mouthpiece of the British Government"-- of the war, and stories of eyewitnesses assume a larger place in the daily radio fare of Britain. Siepman feels that even in these aspects, what they try to do is less of a propaganda nature than it is an effort to give information to their own people.(1)

An interesting little touch of censorship on the part of the people themselves is to be found in their letters of protest against the considerable number of jokes and gibes aimed at Goering and Goebbels. They asked to have the practice cut out as it was not what they wanted to hear.(2)

Generally, the BBC keeps contact with its listeners by setting up advisory bodies regarding public taste and education.(3) It tries to keep acutely aware of popular reactions, as in the above case of the gibes at Goebbels and Goering, and in the further instances of the response to Lord Haw Haw's broadcasts and the general growing conviction -- to be found in most of the allied countries -- that censorship is being overdone in the present war. In an editorial as far back now as March, 1940,(4) hints were to be found that the British government's information service was beginning to open up, although the current

(1) Holt, p.1.
(2) Ibid. p.1.
Boston Sunday Post, March 3, 1940, page 7.
(3) Buehler, p. 90.
(4) Boston Sunday Post, March 3, 1940, page 7, "Overdoing the Censorship".

regime was averse to broadcast of anything but propaganda on the air and handouts to the press. This opening up was due to the resentment over the tight-lipped silences that had prevailed. The prediction made to the effect that, within a few months, the censorship would be gradually relaxed had come true, although conditions probably forced the censor's hand. The "Boston Transcript" of December 10, 1940 tells us[1] that, when Londoners saw streets and shops and their homes in ruins around them as the result of intensive enemy bombings, it seemed silly for the censor to deny the facts and have incorrect, untruthful statements broadcast to people who knew differently. In regard to the British radio system per se, I feel I have said enough, but before leaving the subject, I think it should be looked at comparatively with those systems of other countries.

Out of the thirty or so national broadcasting systems in Europe, thirteen are State-owned and operated, nine -- and I should say BBC belongs to this group -- are government monopolies operated by autonomous public bodies or partially-controlled corporations, four are physically (engineered or) operated by the government and privately serviced regarding programs, only three are privately owned and run, and two (France and Jugoslavia) have government and privately owned systems existing side by side. In the more democratic ones, like Denmark, the minimum of censorship to be found is that exercised by the broadcasting officials themselves in their

(1) "Boston Transcript," December 10, 1940, p.1.

observance of the standards of law and good taste.[1] In the more authoritarian category, Italy and Germany serve as suitable contrast, though others might do equally well. Gino Montefinale, the radio chief of the Ministry of Communications, in his expert opinion to an international committee, made a point of emphasizing that Italian radio programs are so rigorously State-controlled that even economic and financial news must be previously submitted to the government, and no one may speak before the microphone of an Italian station unless the E.I.A.R. has previously obtained government permission.

In Germany, where the radio for propaganda purposes has been developed with the utmost thoroughness, the director of one of the branches of Dr. Goebbel's Propaganda Ministry, explained the purpose of it all to H.V. Kaltenborn.[2] Everything, he pointed out, was used for the national purpose: the old political divisions were eliminated; there was an hour of gymnastics every morning; a daily motto was announced; phonograph records of current events were censored by parts being eliminated, the whole shortened or expanded, depending on what ideas the authorities wished featured; radio dramas were planned for particular effects on listeners; a National Hour each evening was aimed to promote national unity, and all stations were compelled to broadcast it. This is the utmost in simplification as far as the radio is concerned. All German radio transmitters are owned and operated by the German Post Office; the programs are supplied by the German Broadcasting Company, owned by the government and controlled by that master

(1) Summers, p. 278.
(2) Kaltenborn, H.V. pp. 75-8.

of propaganda, Dr. Goebbels, who holds in the palm of his hand arbitrary power of appointments and dismissals. This goes for all the directors of the company as well as for regional station directors. This is the most depressing picture any country has to offer in radio regulation; in no other country is radio diffusion so efficiently but autocratically organized.(1) B.B.C. stands on a middle ground between the extremes of German (or Italian) high-handedness and the freedom that characterizes radio in the Scandinavian countries or the United States. In the latter country, the development of radio has been on an almost parallel line, that is, chronologically, but in the U. S.A. its rise has been so rapid and phenomenal, developed as a commercial enterprise on a competitive basis, that today it demands stabilization and adaptation to meet the commercial, social, cultural requirements of the nation. Today, the reformers look to Great Britain and her system as a solution.

By definite Federal Acts -- particularly in 1927 and 1934 -- provisions were made for the regulation of radio broadcasting stations through the Federal Communications Commission, a government agency, making no provision for censorship (since it is banned according to Article I of the Constitution) except prohibition of lotteries, or obscene or profane language; the serving of public interest, convenience, and necessity covers abuses of rules of good taste and decency.(2)

Despite many arguments pro and con the British versus the American systems, the outstanding differences between the two

(1) Summers, pp. 279-282,
(2) Ibid. p.25.

seem to be that BBC is not run as a State department, which can become too political or encumbered by administrative machinery to conduct public materials; is not a private commercial enterprise forced to pay too much regard to financial considerations, competition, avoiding waste, etc.; but it is theoretically a completely detached, non-commercial corporation that may become as authoritative as a State department and not have to be sensitive to every whim of public taste.(1)

There is some deep significance to be found in the censorship that I have tried to show does exist in the English radio system. To my mind it is this. The expression of formal censorship in almost all other branches of England's literary history has rubbed the fur of the public the wrong way. Eminent writers and others consider the present-day post of a dramatic censor a definite anomaly; the last century has been fraught with obscene libel cases over books; to beat other authorities at the game, the film manufacturers anticipated a fate that threatened them and set up their own censor. But in the case of the radio, the BBC, though virtually in the government's power and control, has never because of the censorship question been forced to gnaw the bone of contention. It may unconsciously be a new British expression in the preservation of democracy, a half-way house between the opposite extremes of democracy and dictatorship. Finally, the BBC has proved conclusively and with popular support a theory that has long been held in some quarters, though never before demonstrated; namely, that it is profitable to believe that democracy desires what is good and

(1) Buehler, pp. 87-8.

of high standard. The BBC has created a great tradition of public service, and has won the highest esteem for the manner in which it has exercised the stewardship entrusted to it.[1]

(1) Buehler, pp. 89-90.

FILM CENSORSHIP

Equally as important as the radio in the dissemination of knowledge, propaganda, and entertainment, has been the motion picture, or as the English call it, the cinematograph. The authors of "Our Own Age" trace the beginning of this mechanical invention far back into the ninteenth century, dating the first public showing of a motion picture as 1859. "By 1906," they say, "the motion picture industry was a regular commercial business and it spread around the world under American leadership." The silent movie had hardly been perfected, for popular delight, when the talkies or sound film was introduced in 1928, quickly superseding the silent film for commercial purposes. By 1934, Great Britain had 4500 moving-picture theatres, running a close second to Germany's 5000. Since then, every city of importance in the world has acquired one or two theatres.

As the industry has progressed, each nation has tried to produce pictures for "public consumption" and to keep the picture market for itself, while at the same time, Hollywood has pressed its pictures on the world. In either case, films have tended to be arranged to attract the largest possible audience, what some call, "the least common denominator of intelligence." Mass production has ruled. Skill in photography and dramatic values varies in different countries according to their peculiar talents and their sense of propriety and charm.[1]

[1] Beard, Robinson, and Smith, "Our Own Age, A History of Civilization" p. 571

It was to be expected that, although England had probably never experienced so clean or wholesome a form of entertainment as the cinema, the reformers would object to its popularity, as they did. It was vehemently attacked by a number of ministers who felt it shouldn't be allowed to diminish still further their dwindling Sunday congregations, so they denounced the principle of Sunday recreation, broadly hinting that the new theaters, were, by the mere fact of their darkness,encouraging sexual immorality. They were, of course, unable to substantiate the accusation. Although this latter charge passed away, the Sunday desecration idea held on. The police throughout the land reported that the opening of Sunday picture-houses had lessened Sunday drunkenness and made an enormous improvement in the condition of the streets, and testified that they were wholeheartedly in favor of Sunday opening, as a beneficial change, in preference to the risk of bored idleness on the street for the dubious but cheerful company in public houses. Then the reformers, as might have been expected, veered their attacks against the films themselves. Thay argued that pictures being shown tended to demoralize the whole community, inciting it to riot, robbery, adultery, and bloodshed. Extensive advertising of certain cases occurred and a cry was raised for censorship. The idea apparently being to emasculate the films if they could not be suppressed, and so bring film entertainment under complete control.

Obviously fearing that the demand for censorship might

win, although the bigots were in a minority, the film manufacturers stepped in (in 1912) and appointed a censor of their own; an appointment which the "Daily News" called "the very latest moral move for the benefit of the community." They found it extremely difficult to select a suitable censor but finally decided on the appointment of G. A. Redford, who had finished his duties in December, 1911 as examiner of plays.

As the film industry had to play safe, it anticipated any move on the part of the State by appointing a man whom the State would undoubtedly approve of.

Mr. Redford gladly accepted the task and promised to keep the cinema theatres throughout the land clean and free from any stigma, even of vulgarity. To effect this, he banned the following:

1. No cremations.
2. No final, tear-impelling scenes at funerals, such as lowering the body into the grave, and so on.
3. No scenes representing murder, sudden death, or suicide.
4. No 'faked' representations of disasters by sea, land, or air.
5. No mixed bathing. No 'compromising situations'. No cock fights, no dog fights, and nothing where unnecessary cruelty is brought in, either to man or beast.
6. All Biblical scenes to be watched very carefully--particularly anything from the New Testament.
7. No Sovereigns, Judges, Ministers, or such high officials of the land shall be treated in an unbecoming, or undignified, or ridiculous manner and no living individual to be lampooned.[1]

Further development occurred when, in response to the pressure of demand for further or better supervision of film plays during

[1] Fowell-Palmer, pp. 313-17

the war years, the present form was evolved. It was a compromise between the Home Secretary and his advisors, who favored a State censorship and the Cinematograph Exhibitors Association, which preferred continuance of the original system. The association, according to Bertram Clayton[1], pledged itself to observe more carefully the rulings of its own semi-official censor, and to a great extent, it has; but the Cinematograph Exhibitors Association is only about half of the number of cinema proprietors in the country, among whose ranks there were many defections in the observance of the rules. Seeing the success of "outsiders" putting on uncensored pictures, the members had become inclined to ignore restrictions. They booked pictures themselves, even though they were mostly of propaganda type. This shows us that the film censorship desirable according to the theory had not been too good for practical purposes because no authority exists to bring violators to heel. Despite the noise about dramatic art, educational influence and moral uplift, the cinema is a really highly commercialized organ for purveying the pictorial representations of boys'and servant girls' novelette, and scientific and interest films become merely fillers. Being such a highly commercialized institution as it is, the industry has been quick to profit by public taste for romantic and sensational bosh. However, periodically, the industry makes a campaign in behalf of better films. The then censor, T.P. O'Connor, in his 1919 annual report, complained of the

[1] Clayton, B., in "Fortnightly Review," Vol. 115 (1921), pp. 222 ff. "The Cinema and its Censor"

increasing difficulty and complexity of the censors' problems. He cited some 253 pictures that had been "cut" out of the 2311 films submitted. Twenty-eight were rejected and there was a long list of exceptions, which included fights showing extreme brutality and gruesome details, gruesome incidents, and excessive revolver shooting--all of which, according to Clayton, have been honored in the breach more than in the observance, and he cites as one instance the belated "War" films, which for gruesomeness leave but little to the imagination. He (O'Connor) made an almost metaphysical distinction between errors caused by love (even guilty love) and the pursuit of lust. Any advocacy of "free love" was out, as were also prostitution and procuration. Any seductions of girls or attempts thereat were to be shown only with restraint. There was also a strong objection to the films' exaltation of doubtful heroes, since this practice tended to put a premium on the romantic poseur who dominates most pictures of an amorous cast and to rule out many authentic "slices of life." And yet despite O'Connor's vigilance, thousands of this kind of hero have caught the censor napping. In all, his exceptions ran a range of sixty-seven varieties from (1) Materialization of the Conventional Figure of Christ to (67) Suggestions of Incest.

Always the censor's fundamentsl problem has been to consider the family, since the cinema is the resort of the family. That is why the censor has always been so averse to propaganda films and has steadily refused to license them. Clayton suggests the

rather narrow meaning the word propaganda has had--propaganda regarding social disease. I suspect that his prediction has by now come true, since this is too narrow a meaning of propaganda. Referring in 1921 to its future, he wrote:

> "Propaganda may take on a wider significance in moving pictures with time, and may even come to have quite a healthy tendency. It is difficult to escape its subtle influence in any of our activities or amusements nowadays. It lies about us in 'our infancy,' and if Matthew Arnold were now surveying the social scene, he'd probably say that propaganda, not 'conduct,' was three-fourths of life. Propaganda will touch films even more closely in the future."[1]

And his prediction has materialized.

Just as governments--especially the authoritarian ones in Europe like Russia, Germany, and Italy--have been quick to see the power of the radio for propaganda, they were equally alert when it came to films and lost no time in exercising over them control which sets off in striking relief the lack of official film censorship in England. In those countries where government censorship was set up, "immoral" and "dangerous" pictures were suppressed, but in the process, they were unable to stamp out public interest in American films,[2] which have had a profound influence on their audiences, English included. The censor's broom, says Clayton, has been powerless to sweep back the Atlantic(or mostly, the trans-Atlantic) tide of films purporting to preach War, Marriage, Capital and Labor, and Social Relationships, even though England has long had a ban on the antagonistic relations of Capital and Labor, and scenes of conflict between the

[1] Ibid, pp. 222-7

[2] Beard, Robinson, and Smith, p. 572

protagonists.[1] Beard tells us that the American producers have turned out hundreds of pictures dealing with crime, scandal, "high society," divorce, and racketeering of all kinds and the result of such a vast output has been the rapid world-wide spread of these immensely popular American films, disseminating Americanism in ideas, manners, and morals. The result has been a hue and cry against the importation of American pictures as "unpatriotic" and European motion-picture manufacturers demanded "protection" in the interest of their business. This reads reminiscently of the old days when royalty made rules against foreigh-born printers to protect the home industry. At any rate, even if (as Clayton says) the censor has been powerless to stem the tide with his broom, he has at least tried, for among those countries enacting laws limiting the number of American films which could be imported or requiring local theatres to show more "native" films is to be found the name of Great Britain.[2]

Generally speaking, however, the attitude of the government and the National Censorship Board in England cannot have been too unfair because Frederick L. Herron, the foreign manager of Motion Picture Producers and Distributors of America, Inc., informs me in a letter dated December 6, 1939 and to be found at the end of this dissertation:

[1] Clayton, p. 227

[2] Beard - Robinson - Smith, p. 571

"There are very few hard and fast rules there (England) or in other places of the world. They simply censor pictures according to their ideas of what should be seen by the public at any definite time. In other words, at the present time when England is at war, certain things are censored that would not be censored under normal times, and some things that would not get by the Board in normal times are now allowed distribution.

"The Board is very fair to American pictures and there have been few, if any, serious censorship cuts of the product coming from this country."

If, then, the Board allows most of the American pictures in without serious cutting, then it is well to consider what censorship exists in the American film industry, because that becomes an indirect censorship of the English cinema, a censorship once removed, so to speak.

To most people, American movie censorship and the name Will Hays are synonymous, but they glibly connect the two without even knowing the real relationship between them. True enough, Hays is President and Chairman of the Board of Directors of, what most people do not know, the Motion Pictures Producers and Distributors of America, Inc.; the directors and members of the organization are distinguished persons and corporations known countrywide in the film industry. These persons are the guiding force in American picture-making; it is they who have established the code to be followed and who thus indirectly have an influence on the English branch of the industry, for American pictures are shown to English audiences, American standards and methods affect English picture-making.

All through the writing of the scenario of a picture, the

shooting of the picture, and the final editing of the films, members of the Production Code Administration--the industry's self-regulatory organization--actively cooperate with the writing and production units to see that the standards of good taste laid down by the Production Code, voluntarily adopted by the industry, are maintained.[1] The organization was organized in 1922 and Mr. Hays has been its president since the beginning, with all leading producing and distributing companies as members. The association has headquarters in New York and branch offices in Hollywood, Washington, London, and Paris. Throughout the years, Mr. Hays has emphasized the basic principle that public support is essential to the production of better motion pictures, and in their efforts, self-regulation has been the unwavering purpose. Among the Association's wide activities, there is extensive consideration given to foreign markets. Through gradual evolution by successive progressive steps, the Production Code was arrived at and adopted in 1930. Its purpose is to establish and maintain high standards of decency and good taste in pictures.

The Code machinery is available to all producers, foreign and domestic, whether or not they are members of the Association. Through the medium of its foreign department, it assists members in securing fair treatment in the distribution of American films abroad. In its seventeen-year history, it has taken a leading part in successful negotiations to solve difficulties in view of restrictive legislation. Through its Community Service

[1] "Film Facts"--brochure of general information on the Motion Picture industry, compiled by Motion Picture Producers and Distributors of America, p. 8

Department, it cooperates with Better Films councils, clubs, universities, schools, churches, and other public groups, and acts as a coordinating agency for the various previewing groups composed of civic leaders and organization representatives interested in motion pictures as community entertainment and as a social and moral force.

Although they can be broken down into several particular applications, the general principles of the Motion Picture Production Code are these:

1. No picture shall be produced which will lower the moral standards of those who see it. Hence, the sympathy of the audience shall never be thrown to the side of crime, wrong-doing, evil, or sin.

2. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented.

3. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.

The provisions of the code apply further to press books, magazines, newspaper advertising, trailers, outdoor display, novelty distribution, and all other forms of motion picture exploitation, and these, like the three[1] general principles above, can be broken down more particularly.

The tremendous influence exerted by the American film industry on the English branch of the same industry shows unquestionably that American film censorship applies to the English cinema, and not as remotely as might at first appear.

[1] Ibid, pp. 23-27, and p. 34

While surveying the chronological history of book censorship some pages back, we saw the activity of the Public Morality Council, the interests of which are very wide. In 1934, the Council sought to bring non-inflammable films under censorship. In the following year (1935) along with telephones, cinematograph films were brought into the censorship picture by the Post Office Amendment Act, 1935.[1] It is by just such subtle methods as these that the reformer may first gain the entering wedge of censorship, as was done centuries ago so successfully in the case of the drama.

Aside from the present war censorship (which is naturally to be expected as a necessary measure in time of a national emergency), perhaps the most outstanding repercussion to film censorship is to be found in connection with the censoring of the films showing the scenes of the Coronation of George VI and his queen. The"Boston Post"of May 14, 1937 tells us how angry comments were published about the censorship of the films, as crowds swarmed into motion-picture houses to view the scenes of the procession and the hallowed ceremony in Westminster Abbey, which only the nobility and foreign dignitaries were privileged to attend. The censorship, by agreement, was by the Archbishop of Canterbury (who some of us might recall had put the bar a few months before on any official comments by the ministers under his charge regarding the situation he had brought to light in connection with Edward VIII and Mrs. Simpson) and

[1] Craig, pp. 89 and 103

the first Duke of the realm and was "unofficial." At any rate, "unofficial" or no, it gained its end, decided on by the man who links together the Church and the State, and the first Duke of the realm; and the scene presenting Queen Mother Mary, with tear-filled eyes, was deleted. The"Evening Star," says the Post, rated the cutting as the scandal of the Coronation. British film companies agreed--was this unofficial or voluntary, too?--to cut the film to 1000 ft., lasting nine minutes or the same length as a Mickey Mouse picture, while those in the United States were allowed to see 2,000 feet. "And so," complained the "Evening Star," "a film that might have rendered great service to the country and the empire has been slaughtered to fit into programmes of the regulation kind," pointing out that enough film was taken for a seven-hour programme but the Abbey Services were cut to one minute and only "disconnected flashes" of the procession were left.

What are the cultural aspects of the cinema? Like the radio, it has certainly taken hold of the affections of countless people. It has enabled millions, says Beard, who had never gone to a regular theatre--and in this respect the scope of a film censor assumes greater importance than that of a play examiner in the Lord Chamberlain's office--to see the world's greatest actors at small cost at any convenient hour in the day. It has furnished entertainment, often suggesting the excitement of Roman gladiatorial combats, for the populace at large. It

has provided escape from the commonplace into the more brilliant, interesting, venturesome, romantic, successful or comic lives of the shadowy figures on the screen. Yet, if the moving pictures have lulled many into happy dreams, they have aroused turbulent thoughts in others by presenting scenes of crime, mean adventure, political excitements, and war. Like the problem of radio, that of the movie has its use for weal or woe. Again, as in the case of radio, the solution of that problem is in the censor's hands.[1]

Of the methods of control of these two enterprises, Sir Arthur Salter in 1932 spoke of the advantage of public control as exemplified by the record of the B.B. Corporation in contrast to that of the motion pictures in England. He pointed out that both are potentially instruments of public amusement, intelligent enjoyment, and adult recreation. The radio has utilized its opportunities worthily; while the films, under controlled private management--except for what he considered a merely negative censorship--have outdone even the worst of the press in trivial indictment. This would[2] seem to be an indictment against the inefficiency of the control--censorship--of the cinema in England.

[1] Beard, Robinson, and Smith, p. 571

[2] Salter, Sir Arthur, "Recovery"-p. 246

INTER-RELATION
of
CENSORSHIP AND PROPAGANDA

Propaganda, in its modern sense, as we know it today, goes back for its origin to 1622, when Pope Gregory XV founded the Sacred Congregation de Propaganda Fide (for the propagation of the faith), an organization for fostering Roman Catholic faith and for regulating ecclesiastical affairs in the so-called "missionary countries," i.e. countries in which hierarchy was not then, or only imperfectly, established. As such, in its early days, it was merely a phase of proselyting.[1] But in the years since 1622, propaganda has come a long way, and today, it is regarded as something more than mere proselyting. Due to the hidden and secretive nature of spreading ideas and attitudes, the word "propaganda" has acquired a somewhat sinister significance. We have seen in our study of film censorship how, as recently as two decades ago, propaganda came to have a very narrow restrictive meaning. While, says Young, in a narrow sense it may be set off from proselyting, publicity, and advertising as regard to manner of presentation and outward speeches, in a much broader sense, the term "propaganda" is sometimes used to cover the whole scope of changing opinions and attitudes through suggestion. The key to propaganda as

1 New Catholic Dictionary, pp. 793-4
Young, K. p. 11

we know it today, I should say, is the word, suggestion, and that would be the chief distinction between propaganda as sponsored by the Church and propaganda as it is exercised on a larger scale today outside the Church. Most of the propaganda that exists today, whether the persons for whom it is intended are conscious of its existence or not, falls under the narrow category of the efforts to manufacture deliberately a set of ideas and attitudes that will affect conduct in the manner predetermined by persons and groups who profess another purpose than the real one.[1]

I have referred in my outline to propaganda as a negative form of censorship, and Young makes emphatic the fact that it is not a negative, but a very positive form of censorship. Perhaps I have used the wrong word; what I meant was that propaganda was the reverse, the opposite of censorship, and as such was a roundabout type of censorship, certainly very positive in its expression. So, perhaps after all, the word positive is a better choice of word than negative. In showing how it is the reverse of censorship, Young notes that where censorship leaves gaps in the individual's mind about events, situations, and matters of opinion, propaganda is frequently employed to fill in these gaps, and that is why we must look upon it as a positive rather than as a negative device in the control of opinion and conduct. Censorship, on the other hand, is essentially repressive and negative. Propaganda has a psychological advantage of being distinctly positive in tone. Censorship

[1] Young, p. 12

is essentially a form of restraint that is put into effect after a thing has been written or published or which anticipates the writing or publication of a thing. Young sees in censorship a tendency to revolt, to throw off the force of oppression because it is correlated psychologically with fear, anger, and an instinctive leaning to pugnacity, naturally arousing feelings of unpleasantness and disgust. On the contrary, propaganda gives a basis for active belief and action. It may enlist, says Young, the whole personality in attitude and action, as was the case in the late World War. It indirectly fills the mind with images, ideas, and attitudes that affect the personality in a distinctly satisfying manner. It must appeal to man's nature, when well done, in a much more subtle and less conscious way than censorship.

Propaganda resembles censorship in that it may occur at any level of societal organization. In the primary group, it may take the form of vicious gossip, but it has had its greatest activity in our present-day complex society. Since today there is often such marked separation of people from sources of news and from situations upon which they must make judgment, the possibility of deliberately falsifying and manufacturing news and opinions becomes increasingly more likely. It is in this respect that the radio is of great use to the propagandist.[1]

Before broadcasting had advanced very far, it became evident to all thoughtful observers of human affairs that it was a new and powerful instrument for moulding public opinion, shaping

[1] Young, p. 12

popular taste, and directing mass action. One had only to listen; the ears alone could now be used for receiving impressions; for masses of people, reading and studying books and magazines ceased, largely, to be the fundamental method of acquiring knowledge. The most illiterate person who had ears to hear could be reached by way of the air. Whether the radio was used to broadcast government propaganda, or class propaganda, or to sell soap and shoes, its programs were directed to the millions not merely--certainly not primarily--to the educated. In broadcasting it has been recognized that we are dealing with a mass message and the material delivered must be suitable for mass consumption.[1] Probably because propaganda is so closely related to mass suggestion, its psychology has been much more adequately studied than has that of censorship.

According to the Institute for Propaganda Analysis, there are seven propaganda devices, which reveal an effort to put something over on the public.[2] The seven devices run as follows:

1. "Name-calling."
   This is bestowing on a person or an idea a bad name so that he or it will be condemned without the evidence.

2. "Glittering generality."
   This is to associate a person or thing with a "virtue word," and thereby make it acceptable, again without studying the evidence.

3. "Transfer"
   This to transfer the prestige of something generally restricted or the odium of something generally condemned to something else the propagandist wants rejected or disproved.

[1] Beard, Robinson, and Smith, p. 570

[2] Franklin, Jay, "Seven Propaganda Devices," Boston Evening Globe, March 1, 1940, p. 16

4. "Testimonial."
   This is having some restricted or hated person declare that something is good or bad. It will be noted in this connection that propaganda may be for good or bad. The former of the two suggested here is, of course, used very widely in the field of advertising.

5. "Plain folks"
   Trying to convince the audience that the speaker's ideas must be good because they spring from the common people.

6. "Card stacking."
   Selective choice of facts or lies in order to present the best or worse possible case for or against an idea or person.

7. "Band wagon."
   Trying to convince the audience that everybody is doing it, or at least all good people.

Another outstanding difference between censorship and propaganda is that censorship is open and generally has the backing of authority, wheras propaganda (perhaps sponsored by authority, and perhaps not) is difficult to recognize or to expose because of its veiled, concealed nature. This is generally characteristic of propaganda, although occasionally it fails to resort to subtlety. In either case, its influence upon the deep-seated foundations of attitudes and ideas has been extremely great whether or not unconscious for the bulk of our population.[1]

A good example of propaganda as a back-handed or roundabout form of censorship exists when the deletions left us by

[1] Franklin, Jay, "Seven Propaganda Devices," Boston Evening Globe, March 1, 1940, p. 13

censorship are filled up by manufactured news and opinion in the form of propaganda. For this reason, if for no other, the relationship between the two becomes apparent. When a person is denied facts and opinions about a crisis in which he is interested, it is ever easy to create a legend or myth to fill up the gap left by the material cut out by the censor. As a matter of fact, helping legends and myths to grow is one of the chief methods of the propagandist in gaining his point by creating pictures and ideas in people's minds about personalities, nations, or special groups. Legends and myths may be created which make it difficult for the historian later to distinguish from facts. The clever propagandist directs the trend of this imaginary and fallacious matter in a manner in which he thinks advantageous to his particular party or group. The activities of the government propaganda agencies that often worked in close relationship with the censor bureaus during the recent World War serve to prove the point. When, says Young, you ask for bread and are given a stone, it is the essence of ingenuity to disguise the latter in the most palatable form possible, and it is to the diet of war propaganda that he lays the blame for much of the social indigestion from which the world is still suffering today.[1] But it must not be thought that all propaganda is the mere fill-up for censored news, nor should it be imagined that propaganda and censorship are

[1] Young, p. 7, 13

concerned chiefly with wars and international conflicts. The fact that propaganda played a part in the last World War must not lead one to suppose that its use is purely martial. Propaganda and censorship both have direct bearings on political, economic, and moral phases of our life at all those points involving crisis and social tension. And so propaganda, like censorship, has come a long way since the time it was first launched by the authority of the Church. It has steadily taken on wider significance with time and has outgrown many of its early restrictions like the narrow unhealthy ones it had in the early years of the present century.[1]

It has outgrown this narrow restriction because authority has been quick to see that propaganda, like censorship, is a phase of modern social control, especially in a time of group crisis. This was proved to great advantage during the first World War, and the technique of propaganda, as well as that of censorship, which has always been used to some extent in war time, began to be perfected more and more so that in the present war it has become virtually a fine art.

Although censorship and propaganda are phases of modern social control particularly in time of group crisis, propaganda is not limited to such a time alone. Whenever an individual or a group has an axe to grind, he generally plans a concerted attempt to influence public opinion, by some indirect means. And so propaganda occurs within a nation or smaller social

[1] Clayton, B., p. 226

groups for practically any purpose. It may be for political, educational, religious, or economic purposes, but whatever the purpose or interest, it can come to control the various organs of opinion in such a way as to color the news and editorial statement and make out of them virtual propaganda. Of course, advertising is much more direct but the work of clever press agents is often a type of propaganda.[1]

Practically every form of literary expression has served as an organ for propaganda. The newspaper, the pamphlet, and the book have perhaps been the commonest forms touching society. The drama has not escaped the pen of the propagandist, although put to this use a propaganda-burdened play loses in artistry, fails therefore to go across with the public, and so defeats it own end. Perhaps, that is why propagandists prefer the other literary forms of expression. The two most recent additions to the older printing press as forms of literary expression, we have seen, are in order the motion picture and the radio. Both these types of communication have to date been widely used for propaganda purposes. Young says that we do not yet know how these novel means of communication may affect the direction and method of propaganda, but I have already shown, in my study of the radio, something of the result of the Harvard investigation of the psychology of the visual appeal as opposed to that of the auditory. Both are effective appeals, but of the two, the latter, it will be recalled, was the more forceful.

[1] Young, K., p. 14

In the days before the present time, when the radio and the film have become the perfect foil for propaganda, almost anyone who took pen in hand to write about a cause was dealing in propaganda. Perhaps the outstanding figure as a national propagandist, as well as one for his own personal reasons, was John Milton, although Milton's greatness as a poet is too often permitted to obscure his other activities from us. Milton was perhaps the greatest propagandist that the Puritan Republican cause possessed. Aside from the great work which he did as a propagandist in this national interest, his personal experiences also brought about some pamphleteering on what was definitely his own account. He had married a pleasure-loving girl of seventeen, the daughter of a Cavalier squire, when he was twice her age and immersed in serious business. After his young wife had left him, he wrote a plea for divorce in cases where the husband and wife are of incompatible temperament. The doctrine was denounced as being not only radical but heretical as well. Milton's wife was induced to return to him and the two lived together until she died. During the term of their separation, Milton announced his firm opinion that husband and wife who could not live together were actually divorced, regardless of what the law might say. And he is said to have gone so far as to propose marriage to a second young woman, while legally married to the first. But such a flaunting of law and public opinion was avoided by the return of his

wife, to whom he seems to have been sincerely and continually attached from then on. Out of the divorce controversy grew Milton's "Areopagitica," one of the great works of English literature but actually as well a piece of great propaganda in its defense of uncensored publication and of freedom to express one's views without governmental interference. At the time, Milton's plea for liberty was far in advance of public opinion on the subject, and it exerted little influence at the moment.[1] But Milton and the hundreds of other writers who have had theses to prove and have tried to get the attention of the reading public to have their arguments considered, have used, on the whole, fairly direct and above-board methods. It is only during and since the last World War that propaganda has developed into a fine art, exercised with such finesse and subtlety that the person for whom it is intended becomes impressed without recognizing the underlying menace.

The World War, says Beard,[2] was a war of ideas as well as of high explosives and poison gas. Each government at war sought to keep up the patriotic fervor of its own people and to break the faith of its enemies in the rightness of their cause, so writers, teachers, professors, preachers, editors, and artists were enlisted. Millions of people could now read, owing to the spread of popular education, and therefore propaganda became wholesale. Newspapers were censored or were

[1] Markun, pp. 103-4

[2] Beard, Robinson, and Smith, pp. 633-4

forced to print drawings handed in by government offices; criticism was stifled, even doubts regarding the wisdom and advantage of keeping up the war were treated as akin to treason.[1] Leaflets and pamphlets were circulated galore, pictures were printed by the billion, and a group of distinguished English writers was pressed into the British propaganda service to write captions for the cartoons of a Dutchman, Louis Raemackers, who, though he lived in neutral Holland, drew some of the most effective and virulent anti-German pictures of the World War. The caption writers included such distinguished writers as G. K. Chesterton, Hilaire Belloc, John Buchan, and Dean Inge. The captions so enraged the Germans that on Raemacker's head they were reported to have set a price of 12,000 marks.[2] When the propaganda of the Germans pictured the Allies as frightened and feeble people who were "push-overs" for German might, the English in their propaganda took the opposite tack showing the Germans as powerful, brutal beasts. If the German propaganda instilled contempt, British propaganda, counter-balancing it, sought to instill hatred. The Allies, says Life Magazine, were always accusing the Germans of debasing science for the uses of war.

For a picture entitled "The Gas Fiend," portraying a sleeping English soldier about to be attacked by a serpent spitting and breathing poison gas, Eden Philpotts wrote, "We may picture the

1 Young, K., pp. 9-10

2 Life Magazine, May 3, 1939, pp. 48-49

the experiments that went to perfect their poison gas. We may see their High Command watching the death of a guinea pig with increasing enthusiasm as the hideous effects of the discovery become apparent."

Another picture, proving that German barbed wire was more cruel than the Allies', was captioned, "It is well known that German wire surpasses any other in devilish ingenuity. Its barbs are longer; it is more frightful."[1]

In addition to the billions of leaflets, pamphlets, and pictures, sermons were preached and lectures given, and further, motion pictures were turned into war propaganda pictures--all for the supreme purpose of keeping the people contented at home and stirring up revolution among enemy countries. Propaganda was also used in neutral countries such as Holland, Denmark and the United States where England and the other Allied powers prosecuted vigorous campaigns in an effort to discredit the respective enemy and to arouse a public sentiment in favor of American intervention. They resorted to indirect methods such as the publication of provocative books and pamphlets by supposedly disinterested authors and the issuance of misleading news articles, the circulation of biased reports, etc., methods, which, incidentally, have been successfully used by large industrial organizations and other interesting groups in private enterprise.[2] Beard says that each belligerent sent agents into

[1] Life Magazine, May 3, 1939, p. 50

[2] The Encyclopedia Americana, Vol. XXII, p. 659, 1940 edition.

neutral countries to stir them up in hope of drawing them into the war on the enemy. If the neutral country could not be drawn into fighting, it might be cajoled into lending money to a belligerent government or selling supplies to it on credit. In some of these ways, the instruments, knowledge, art, and ideas of Europe were turned to war ends. Free public schools had taught countless millions to read and write for the first time in history, and now this very education turned war propaganda into mass propaganda.[1] And now, although we are still too close to it to be able to view it with the proper perspective very much the same situation exists again today. In his study of Hitler's strategy of terror, Edmund Taylor quotes Hitler as having told Dr. Hermann Rauschning in 1933,

> "Our strategy is to destroy the enemy from within, to conquer him through himself.....Mental confusion, contradictions of feeling, indecisiveness, panic: these are our weapons."

England has been faced in the new World War with these samples of Hitler's psychological warfare.[2] At any rate, she has tried to meet him on his own ground, has attacked him with glue pot and posters,[3] has answered his great German war photos with her own first great propaganda film, "The Lion Has Wings."[4]

1 Beard, Robinson, and Smith, p. 634

2 Taylor, E. "The Strategy of Terror," condensed in the Reader's Digest, September, 1940, pp. 89-92

3 Life Magazine, March 18, 1940, pp. 47-8 and Oct. 14, pp. 10 ff.

4 Ibid, December 11, 1939, pp. 69-72

Whose propaganda will be victorious, time alone will tell. In the event of a winner, some of his laurels will be due to the perfection of the propaganda side of his censorship system.

WAR CENSORSHIP

One of the points brought out in the introduction of this thesis, and countless times in the chronological survey of censorship of books and of the press and of the drama, etc., is that censorship is a phase of social control especially in a time of group crisis, concerning itself with those situations which are thought to involve the survival and welfare of the group. As long as the group moves along the usual road of custom, attempts at suppression of speech or press are slight, but when the values of the group are called into question by crisis, social pressure tends to be applied in order to insure group solidarity,[1] and yet, in times of such crisis, particularly in times of warfare between nations, the democratic practice seems unable to cope with the factors involved. As a consequence, we tend to substitute a kind of oligarchic military control for democratic civil procedure, and one of the demands of military tactics seems to be censorship of military information.[2] Although it seems reasonable enough that in times of stress and crisis when a state of emergency prevails we should establish censorship, yet it is paradoxical as in the case of the last war

[1] Young, K., p. 8

[2] Ibid, p. 9

fought for freedom and democracy that the democratic champions were themselves compelled to adapt many of the methods and principles which they fought, and censorship was one of these.

The purpose of censorship in time of war is threefold: first, to prevent information of military value from reaching the enemy; second, to acquire similar information for the home government; and third, to check the dissemination of information useful to the enemy or prejudicial to the home government.[1]

It is not hard to imagine a mediaeval king keeping the news of his losses in battle from spreading around among his subjects as well as word of his defeat, until he knew it was certain and with no hope of recovery. We might also look back over our studies and pick almost at random suitable instances where political opinions about a war or the government in power during that war were judged seditious. But, generally speaking, formal war censorship is a comparatively modern expression of the censorship idea. Sir Edward Cook, who had charge of the British censorship during the World War, tells us that the Crimean War was the first in which newspaper correspondents were in the field, and that despite this privilege they had no recognized status, received no official information, but still their correspondence was unfettered.[2]

I have already pointed out in an earlier connection that Vizetelly tells in his "Reminiscences of a Bashi-Bazouk" how he ran amuck of the censor in 1882. The author took a telegram to the "Daily News" to the press censor at the headquarters of

[1] The Encyclopedia Americana, Vol. XXVIII p. 258

[2] Cook, Sir Edward, "Delane of The Times" p. 82 (cited by Young and Lawrence, p. 80)

Lord Wolseley's army, in which he stated, the soldiers mortally wounded were dying in great agony because not a drop of morphia among medical stores had been landed there. The information was given him by a doctor of the Army Medical Staff Corps attached to the hospital and was perfectly true. But the paragraph was removed because of objections raised by the censor and the chief of staff. The latter explained: "We can't have statements like this at home, you know. A telegram of that description would cause endless trouble and annoyance!"[1] Such an instance as this shows us what progress military censorship had made since the Crimean War, almost thirty years before. In time of war, all censorship assumes a military character. The administration of the regular censorship becomes perhaps a little blinded by present necessity. This was found to be the case in the current war in connection with films, which (Herron says) would not ordinarily be acceptable; and conversely, other films were allowed to pass that would be ordinarily banned. (See Herron's letter at the end of this dissertation).

Treating the subject, the Encyclopedia Britannica considers war censorship from three angles: postal communications, telegrams and cable communications, and printed publication; the first two of these has been comparatively uncommon in peacetime although the Home Office has the right to empower the Postmaster General to seize and open specified correspondence while it is

[1] Young and Lawrence, p. 82

in his hands. Although Great Britain, unlike most of the Allies, did not establish field censorships to deal with the correspondence of combatant forces, she did establish field censorships in the area of military operations. From this area, only those letters seeming to have escaped the eyes of the field censors were submitted by the London Post Office to the London censors. Special branches were organized to deal with the strict examination of suspicious documents using code, cipher, synthetic ink or other such devices. Then there was a check-up of arrangements for sending communications to enemy persons in open envelopes and enclosed in covers addressed to a neutral country. Material in the mail for neutral countries contiguous to an enemy country was censored. As the duration of the war extended, practically all outgoing mail came to be censored. In order to convey false information, the censor altered any communications obtained from known enemy agents.

The geographical location of England was especially advantageous for control over enemy communications by cable. In 1914, cable censorship was established under a military chief responsible to the Army Council, based on the International Telegraph Convention of 1875. Importance was wisely attached to commercial cables. The use of British cable facilities for carrying on trade with an enemy country was banned. Much military (and especially naval) information was revealed through the trade cables.

We are told that no preventive censorship existed during the World War in connection with printed publication. There was created in London an establishment to scrutinize all enemy periodicals in order to benefit by their indiscretions. Papers were heavily caviaré-d (blacked out) or were censored with many blank spaces. Finally, the British Press Bureau was established and became the subject of much bitter criticism and frequent debate because of its operation. Although it was powerless to insist on submission to censorship, it was, nevertheless, responsible for the suspension of the "London Globe" from Nov. 6-22, 1915 1914.

On the other hand, actual censorship was supervised by military and naval authorities and the press bureau was only responsible for permitting publication. Although the suspension of the "London Globe" just mentioned may have been inspired by the work of the Press Bureau, it was actually undertaken by the military authorities and confirmed by the Home authorities. Sir Edward Cook and Sir Frank Sweltenham were joint directors of the Press Bureau, for which the Home Secretary was responsible. The imprimatur of the Press Bureau could not relieve offenders from liability to prosecution. Periodically, the Bureau issued secret instructions for the guidance and information of editors. It outlined a series of offences and provided a practical line of defense for editors and publishers, such typical offences being communicating military information, spreading false reports, or publishing statements likely to cause disaffection or

undermine morale. Further, the Bureau acted on matters of doubtful legality or expediency for censoring or an official imprimatur.[1]

Probably the hardest group to suffer from press censorship during the war was American correspondents who were working anyway under the great hardships imposed on them by their own system. American military censorship in France and other countries, where American troops were quartered and operated, was exercised by a department of the Army Secret Service and a little manual, "Field Service Regulations," defined the rights and limitations guaranteed and decreed by the War Department to war correspondents. The personnel of the military censorship bureaus were often vindictive towards certain correspondents who ventured to make any protests against the methods of the censors, and, to cap the climax, for a long period of time England permitted only twelve American correspondents to remain in London. However, later British censorship was developed to a high state of efficiency and rendered excellent service despite many earlier tactical blunders.[2] That the censor was more sinned against than sinning is proved by the account printed in the daily press in America, early in September, 1914, of the movement of Russian troops through Scotland for service in

[1] Encyclopedia Americana Vol. VI, p. 193
Encyclopedia Britannica Vol. V, 14th edition, pp. 114-115

[2] Encyclopedia Americana Vol. XXVIII, p. 258

Belgium. Travelers returning from England congratulated American papers on their securing this piece of genuine news, which the censors absolutely prevented from being printed in England, and commented on its being quite odd for Londoners to get their first news of what had happened from New York; it is now well known that no such movement of troops took place and there was therefore nothing for the censors to suppress, yet they incurred the blame of depriving the press of important information.[1]

In 1915, "Britain's Deadly Peril" by William Le Queux was suppressed. It was a book in which Le Queux charged that censorship was responsible for England's difficulties in recruiting its new army and for combinations of profiteers. Later, in the same year, Lord Morley made a distinguished appeal to the House of Lords for fuller information to be allowed in the press.

In 1916, the publication of an illustration of a biplane school were submitted with the understanding that the photographer was not to mention the location of the school, but the censor forgot that the name of the school appeared prominently on some of the hangars.[2]

A Scottish newspaper was seized by the police in 1916 for printing an account of a conference between the British Prime Minister and Glasgow Trade Union officials because the account was not approved by the British censor.[3]

[1] Young and Lawrence, p. 67

[2] Young and Lawrence, p. 64

[3] Ibid, p. 65

To show how differently the different censorships during the war worked, let us notice the treament given to items of information and interest by the English censorships. An article by a distinguished naval critic was in England so censored as completely to distort its meaning, although it was offered for simultaneous publication in America (1917). The following year, the "London Daily News," commenting on the treatment of the St. Mihiel offensive said: "The old gang of censors may have been severe but the way the American authorities have shut down on the details of the St. Mihiel offensive surely reached the limit of reserve,"[1] and yet, England's varied treatments of the same material for different readers proved her own inconsistency when she forbade, outside of Great Britian, the circulation of the "London Nation" with its pungent criticism, in 1917.[2]

World War I. is far enough behind us for the censors operating today, in England, during the current war (W. W. II) to look objectively at it and profit by their past mistakes or good works. In the words of Ernst & Lindey, "The Censor Marches on," and nowhere is this more truly so than in present war.

In an article in the "Boston Evening Globe,[3]" John Evans, the Associated Press General Foreign Editor, told, with emphasis on

1 Young and Lawrence, p. 71

2 Ibid, p. 68

3 Evans, J.--"Europe's Censors Hinder, but Fail to Halt the Truth"--Boston Evening Globe--October 5, 1939

the English censorship, how Europe's censors hinder but fail to halt the essentially truthful telling of the war news. When Hitler went into Poland, the British censor, says Evans, marched into cable, wireless, telegraph, and telephone offices, creating such confusion that Prime Minister Chamberlain had to change the mechanism. London censored dispatches to the United States and other countries, and at that time, was the only important capital where United States reporters had to submit their copy to official censors for suppression or deletions. Chamberlain's intervention caused the new arrangement that every government office would have censors to approve what was issued to the public, but that censored matter would have to go through the general censors. Sir Walter Monckton, director-general of press censorship, tendered his resignation a few months later to the Home Secretary, because he objected to his lack of authority, but it was afterwards announced, in the House of Commons, that he was not resigning.

Since the outset of the war, there has been a running feud between British civilians and their Ministry of Information. Life Magazine[1] tells us in this connection that civilians feel the Ministry talks too little, and that organization retorts that they talk too much. In over two million war posters, both comic and grim, plastered on walls, fences, vehicles, in restaurants, phone booths and clubs, it warns that an idle tongue may carry death in its way. Most of the posters are clever

[1] Life Magazine, March 18, 1940, pp. 47-8

cartoons drawn by the famous Punch artist, Fougasse, really Kenneth Bird, an ex-engineer; they reveal gossipers prattling war secrets in railway and subway coaches, in clubs, bars, restaurants and parlors, with Hitler or Goering eavesdropping behind, above, below, or in the wall-paper. Others, showing a tiny Hitler with huge ears, warn: "He wants to know your little game, where you're going, whence you came; even alone or in a crowd, never mention these out loud." Civilians, chafing under rations, train delays and blackouts, are answering this hush campaign with sarcasm. Life cites the Daily Herald's ridicule of it with a cartoon showing cabinet ministers straining to glean war news from two buxom shoppers in a subway. Satirically, the Daily Mail goes a step further and suggests more forceful captions, such as:

"A maiden loved; an idle word;

A comrade lost; and Adolph served."

Others imply that posters are intended less to silence non-existent war news than grumbling over war policy. There may be a trace of underlying propaganda to keep up the morale in these "don't talk" cartoons, which possess a saving grace of humor utterly lacking in the same drives in France before her capitulation. If not propaganda, they are certainly a form of preventive censorship, open and direct at that.

The effectiveness of control sets itself a good example in the case of England's answer to Germany's great war photos, in the form of a full-length war movie, "The Lion Has Wings," which

has already been touched on in the chapter on propaganda. Planned to defy the charge that Germany to date had been victor on the photography sector of the current war, private enterprise filmed this picture in twelve days and nights, amid great secrecy, and released it first in England and then in Canada and the United States, to stir its audiences with its first-rate re-enactment of the September 4 air-raid on the Kiel Canal and its dramatic reproduction of a night's work by the Fighter Command, a secret air-protection force. Excellent propaganda as this film was, the censors cut out vast footage for fear of revealing defense secrets.[1]

Apparently, the present war censorship has undergone a series of frequent changes, from one tightening or relaxation to another. The American papers tell us last October[2] that there was evidence then of a tightening for its last London dispatch had been peppered with deletions when it reached The Times: Correspondents are forbidden to name the places hit by German bombs on any particular day, so that the reader finds it impossible to guess, until long afterward which "famous church," which "historic building" has crashed in ruins. This of course drives the correspondents to more oblique methods to learn more important facts about the British position in the war.

[1] Life Magazine, December 11, 1939, p. 69

[2] New York Times, p. 16, "What Censors Hide--and Tell"

And yet, says The Times in the same editorial, in trying to read behind the British censorship, we must not forget how frank and fair the British have been in admitting their own losses. Monthly announcements are made of their air-raid casualties completely, and similarly with their tally of enemy air losses, erring, if at all, on the side of understatement. The Admiralty doesn't fail to announce large losses of merchant shipping (as for the week ending September 22). German claims have been so wide of the mark that one is reluctant to accept their boasts of victories. If the British censor is silent about weekly figures of aircraft production, new weapons for meeting night-raiders, results of bombings, etc., one can hardly complain, for these are legitimate military secrets, and neither friends of Britain nor the Britishers themselves would have it otherwise.

There is one thing, however, that has come unimpaired out of the present war in connection with censorship, which would not have been tolerated long in the last one--and that is the right of criticism, at least since Churchill became Prime Minister. It is perhaps because he himself believes in telling his people the worst, promising them only blood and work and tears, so that they will work only the harder. This is distinctly a veering from the last war, as well as the method used by France in this one. The British newspapers freely denounce conditions in air-raid shelters, slack production, call for dismissal of ministers, and the censor lets it pass. I have cited this before to show what freedom does exist.

In the last war censors often attempted to close up even the slightest gap of differences of ideas or attitudes. During that war, differences of opinion, in the sense it implies, practically ceased to exist in many fields. All news was dragooned into silence in order to insure the larger matter of national survival.[1]

Just as we are far enough removed from the last World War to judge its censorship objectively, so today we are too close to the present war to regard it in the same way. But it is obvious the censorship as it exists in England today is being conducted on a fairly similar basis.

Another instance of finesse in the art of manipulating news centers around the Nationalist Revolution which was going on in China in 1926-7, during which occasional news came from Burma of a campaign to end slavery in a northern part of that country. Much was made of the evils of the situation, and a series of visits was paid to the region by British officials. After a considerable build-up in the press, the commander-in-chief of the forces in India finally gave it his personal attention, going over the territory with a considerable staff all, it was said, in the interest of freeing the slaves. Afterward, China was to learn that the slavery campaign was a cover for something else. The British military mission and secret agents had gained complete knowledge on all the passes leading from Burma toward the upper Yangtse Valley and good military roads were being constructed in this

[1] Young and Lawrence, p. 10

direction. A way had been prepared for an invasion of Western China in case it should fall apart or Japan should seize the coast.[1] The real stabilizing power in the London Foreign Office, the one who always has had to be consulted when great decisions are to be taken, the one whose organization always passes on the issues involved, and suggests the line to be followed and the precaution to be observed, the one without whose supervision, no important speech is made, is an almost unnoted person, the Permanent Under Secretary for Foreign Affairs. Until January, 1938, this man was Sir Robert Vansittart, who, since 1938, has moved into a newly-created place, that of Chief Diplomatic Advisor to the Government, being succeeded by Sir Allen Cadogan. It is the tradition of the office that the Permanent Under-Secretary shall remain out of the limelight. By this means, he keeps his freedom of maneuvering in negotiation because he is never committed to any governmental program, yet every diplomat having to do with the London Foreign Office and every foreign minister in other lands always is aware of the importance of this official and his colleagues. No premier or foreign minister coming from outside the service, as virtually all of them do, could ever afford to ignore the organization represented by the Permanent Under-Secretary. The secret of its stability lies in the fact that while cabinets might change, the permanent bureaus in all departments remain unchanged, and they go right on with their work no matter who might assume to be boss temporarily.

The spokesmen of the Foreign Office make the most of what will help the national purposes of each, and carefully conceal or minimize what will be harmful. The independent press does its best to get at the truth beneath these deceptions, but it has a hard time of it and often it cannot give as true a picture as it wishes of what is going on.[1]

1 Young and Lawrence, p. 43-45, 48, 65

CONTRAST BETWEEN ENGLISH AND OTHER CENSORSHIPS

English censorship is typical of that to be found in the more democratic of the European countries today. The range of government stripped of all its trappings lies between two extremes--from autocracy where dictators have sway to democracy where the individual is allowed to think for himself, the respective censorships reflecting parallel range to the governments themselves. England is a survival of the old monarchical form of government that in surviving has become a constitutional monarchy with strong democratic tendencies, and though not as democratic as our own United States, she is not far behind us in observing the ideal that we have set for ourselves. This places her between the two extremes, but nearer the latter, the democratic one. In the theory and practice of censorship, she is nearer that of the United States than she is to that of her European sister states, except perhaps France in the matter of the press and the Scandinavian Countries in the matter of radio. Generally speaking, her various literary forms are fairly free from censorship. What prevails among them is for the common good and actually so, not what is autocratically announced as being for the commonweal.

It is only to be expected that there should be much parallelism between England and the United States in the expression of censorship, since both are countries where the aims--freedom of press, speech, public meetings, and discussion--coincide. The result we are not surprised to find is our aims are almost iden-

tical, even if some of the details vary by which those results were separately achieved. The censorship laws of the two countries bear a marked resemblance to each other.[1] Our book censorship laws are derived from statutes originally framed as a protection against deliberate pornography.[2] Our laws against libel and slander are direct descendants of England's common law.

Although formal censorship in the United States has never existed because the first Constitutional Amendment forbids the passing of any law that would curb freedom of speech or of the press--we find there is a power somewhat akin to censorship vested in the Post Office. Authority passed statutory exclusion from the mails of all fraudulent and obscene publication.[3] This is very close to England's Post Office Acts. Similar resemblance continues with the Constitutional Acts which forbid the publication of obscene literature. Censorship of films is managed in both countries by the unofficial self-appointed boards. The radio, along almost identical lines, comes close to being government controlled--in the United States through licensing arrangement of a government commercial; in England, by the private monopoly of a government-named board. The one big difference is in the drama, for there is no play licensing in the United States. The press is free in both countries except where news must be manipulated through secret statesmanship for the general good

1 Weeks, Edward, p. 18

2 Ibid, p. 25

3 Encyclopedia Americana, Vol. 4, p. 246

of the country--all governments do this, even the British and French and to some extent the United States.[1] Successive presidents since the World War have continued the central bureaus making them into, not only censorial organs, but also high-pressure propaganda agencies, developed when the depression made it necessary to give work to millions out of jobs.[2] Similarly with England the efficiency of World War propaganda is used in the State department. In the United States, there is the most rigid system of silence in the world in our governmental system; the reason for this reticence is found in our press. The press can express itself on foreign policy and denounce new activities of the State department. Since freedom of speech can be harmful during delicate negotiations, the Presidents keep their counsel until concrete conclusions are reached. But journalism in England or in the United States doesn't take it lying down.

England then leans further toward the United States. It stands practically with the United States as contrasted against the dictatorships of Europe.

In my treatment of radio, I showed that everything, and with no exceptions, in Italy and Germany and Russia, is subservient to the will and wisdom of the governing powers. The bureaucratic censorship in those countries is erratic, ill-considered, and unjust. Critics who dare to defy it are up against the governmental inhibitions, which, as in Germany, assumed expression

[1] Young, E. J., p. 24 & 32

[2] Ibid, p. 32

in the form of a law that punishes with death. To date no newspaper man has been a sufferer although threats of expulsion from the country have been carried out.

"Liquidation" by the Stalin regime, or concentration camps amoung the Nazis, have proved very effective.[1]

The drastic censorship laws of 1927 in Germany faded into insignificance with the Nazi book-burning in 1933.[2] Who would dare to write a play, a book or an editorial that would rub the fur of authority in the wrong way? Who would dare to print or publish it for the author?

In view of these facts the comparative mildness of English censorship stands in great relief against a back-ground of contemporary dictatorships.

1 Young, E. J., pp. 19-20

2 Haight, p.83

PRESENT-DAY MANIFESTATIONS OF CENSORSHIP

Before bringing to a close the subject of censorship, it might be well to review just what is the state of censorship in England today in regard to literary expression. Starting with their origins and tracing their developments, I have taken the various forms of literary censorship down to the present time--books and the press proper, the drama, speech, the radio, the film, propaganda, and finally war censorship. In all cases, except with the drama, the tendency has been toward an increase of democratic process. The whole dogma of political democracy correlates itself with freedom of criticism and expression of opinion. The urge has been steadily toward a gradual relaxation of the pressure of the earlier rigid censorship except in times of great national crises, and in the time of such crises, there is some question as to whether or not censorship, even then, is essential to group survival. There has been more and more distinct agitation in the direction of a more satisfactory determination of the limits of censorship. However, the struggle for freedom from censorship is not wholly won.[1] In the case of books and other written literary forms, the press is comparatively free, and we have found that what few existing restrictions there are, like laws against libel, blasphemy, obscenity, and public justice, presumably are imposed for public benefit; in the case of the drama, the examiner of stage plays still exercises the jurisdiction of censorship for the Lord Chamberlain's department; the films, by a streak of luck and sharp foresight on the part of film

[1] (Young & Lawrence, p. 9.)

producers, are free from the pre-licensing to which the drama of the legitimate stage is subject; speech is free; the radio is practically free although censorship lurks in the background but not really obnoxiously; England, now being in a state of war, is rife with war propaganda especially, but propaganda, aside from the war, is a highly developed and highly characteristic expression of the censorship pattern; and lastly, England being in a state of war, it is but to be expected that military censorship should be so actively enforced. This, briefly, is the state of affairs to be found in England in the present day as far as censorship is concerned.

We have plenty of examples of recent manifestations of censorship. I have already explained, in full, in the chapter on radio, the story of the Baron Aloisi broadcast, in 1935. The chapter on war censorship takes up the present war. Further on, I have touched upon the Simpson affair, in connection with the censorship of the Church of England, and the power of the Archbishop of Canterbury behind the throne. There are a few more words to be said about the Simpson affair, but aside from that, the outstanding example, and probably the least easily recognizable, except by those first affected by it, is the censorship imposed on foreign press correspondents.

Much has appeared in the United States on the voluntary press censorship which surrounded the King and Mrs. Simpson, about whose affair the overwhelming majority of the English people long knew nothing whatever. While for several months we knew many of its details, the first trickle of public information, we are told, was to be found in the cryptic remarks of the Bishop of Durham to his clergy, who later claimed he was thinking of something else. When he said those

remarks, the bulk of the English people first caught on (December 3, 1936) to what was really happening: specifically, that the king desired to marry an American woman who had divorced two husbands, both of whom were living, and that Stanley Baldwin, the Prime Minister of England, was demanding that the king should give up either the lady or the throne. The "Boston Globe," in an Uncle Dudley editorial entitled "Court of Public Opinion," admits that it is a quality demanding of respect to be reticent about private and personal affairs, and it is further very decent to refrain from turning the spotlight on a monarch. At the same time, says the "Globe," if this was, as so many distinguished Englishmen insisted, a grave Constitutional question affecting the realm and empire, then it was necessary that the voters should be informed about it, since in the end, it is they, who decide what is Constitutional and what is not, in England.

The English convention of silence concerning the King worked in such a way as to prevent the situation being unrolled before the eyes of the people, who are really the ultimate arbiters in England's affairs. This was an anomalous situation, since the people were kept in the dark about a matter on which, in time, it would have to make up its collective mind, before the question could be ultimately disposed of. Since the beginning of popular government in England, the voters have generally been enabled, except as in the World War, when the information given to the public out of military necessity was meager, to follow the matters on which they must finally render an opinion, but that was apparently not the aim of the Baldwin government which tried to settle the entire question without

help from public opinion. When the news leaked out, the suggestion came, curiously enough, from a remote corner of the Empire, Capetown in South Africa, to lay the whole Constitutional issue in the dispute between King and Cabinet before the public for discussion, and in spite of the earlier convention of silence, that was what was eventually done.[1] In a very enlightening chapter entitled, "The Pro-German Leanings of Edward VIII," Eugene J. Young, in his book,[2] gives the reader plenty of reason to believe that the Simpson affair was merely a "blind" behind which to settle a more serious problem. When the Bishop of Durham called upon King Edward to show grace, and the affair with Mrs. Simpson was taken up by press and public, the storm burst over the King's head. Six days before the Bishop spoke, the government, backed by Parliament, had entered on the Constitutional struggle with the monarchy, and in this conflict, the case of Mrs. Simpson was only incidental. It came in the midst of a most critical situation that had arisen out of the Spanish Civil War, details of which, we need not go into here. The critical international situation precipitated the great Constitutional issue, which developed out of fear that Edward's sympathy for Germany and the assurances of his friends would encourage Hitler to start a war into which Britain was bound to be dragged. To assume, says Young, that it was based on the marriage plans, is to fly in the face of all British practice, especially when there were still many months in which to deal with that issue. The Simpson affair, however, provided an excellent field on

[1] (Uncle Dudley--"Court of Public Opinion," Boston Evening Globe, December 4, 1938, p. 20.)

[2] ("Looking Behind the Censorships," Chap. VIII pp. 171-196)

which to fight the battle. Employment on it was in the nature of a strategic flanking attack on the weakest position of the monarch. The Constitutional issue could be and was avoided. What Edward was compelled to face was not the government and the Parliament in a struggle over their respective powers, but the public opinion of his country, the empire, and the world. Young points out that the Constitutional issue was not even permitted to arise. What part the Constitutional quarrel played in the King's decision to abdicate has not been revealed. Some time, it will be. Undoubtedly, Young points out, there are diaries in existence which contain all the inside facts, but under British practice, they will be locked away for a decade or two or even longer. With the departure of Edward, the whole aspect of British domestic politics and the politics of Europe changed. The whole incident serves to exemplify the use to which one situation was put in order to conceal another.[1]

John Gunther, in discussing the funneling of the European news, in"Harper's," said that everything printed in every London newspaper is available to every American correspondent, although it cannot be copied verbatim, except by arrangement.[2] The foreign correspondent does not hesitate to take advantage of this opportunity. Such an arrangement serves to pool the facts for them and also to give them a certain amount of protection. In the meantime, aside from the verbatim copy all the papers are used by all the correspondents, clipped to tatters, used to suggest mail articles, to furnish backgrounds, or to supply basic or additional facts for cables.

1 Young, Eugene J. , "Looking Behind the Censorship"-- Chicago: Willett p. 171 ff.

2 Gunther, J. "Funneling the European News," Harper's, April, 1930 p. 635.

The Associated Press has an important news source, not available to its competitors--the official government news of various countries. This, in England, is Reuter's, which officially and exclusively dispenses news (and propaganda) to the Associated Press. Occasionally, these foreign news sources have been known to let down the Associated Press badly on important stories, and yet, on the other hand, a tie-up with these agencies is often of inestimable value, since the Associated Press usually gets the first piece of official news.[1]

The foreign-correspondent has four possible sources of news. They are the official government news, which very frequently comes under the name that journalists have for it here and abroad, "canned" news;[2] then outright purchase by the correspondent; next, what he gains through personal friendships; and lastly, what he happens to have in his own head. An important factor, in European journalism, partly a source of news, and partly something which controls it, is the press department, now maintained by the Foreign Office in most European countries. This was something of a novelty about the time of the last war, which reached, during that time, a fairly good height of efficiency when the intense value of news and propaganda became manifest. The Foreign Office of the press department today has become simplified. It maintains good relations with the foreign

1 Gunther, J., "Funneling the European News"-Harper's, April, 1930 p. 639.

2 Young, E. J., p. 13

correspondents, especially the Americans, acting as a liaison between the press and the government, issuing statements, and compiling statistics, assembling information, arranging interviews, circulating documents. In brief, it is an official press agent of the country. Almost as important in England as the Prime Minister, Gunther suggests, is an all but anonymous civil servant named Sir Arthur Willert, who year in and year out controls, or at least directs, the relations of the British government to the press of the world. England is not unique in this particular, since most foreign governments have a similar functionary. These press departments differ throughout Europe; some are good, some worse than useless, but in England, the Foreign Office of the press department is conducted with marked efficiency with officials who speak different languages, dealing with correspondents who speak only those languages. Sir Arthur Willert and his assistants are admirably informed, always accessible, and very frank and forthright on the subject which one may or may not print. What is more, they will actually give news over the telephone. This, of course, is a great convenience to the reporter. Gunther makes a point suggesting the importance of the reporter to the various governments and the growing realization throughout Europe of this importance. He says almost every chancellory has come to accept the vital necessity of good relations with the American press, in other words the American people. He informs us that the Association of American Correspondents in London was foumded not on purely American initiative but with the "advice" of a British Cabinet Minister, and the same idea has been copied by other countries.[1] It takes an extremely good

[1] Gunther, pp. 510-511.

correspondent to wade through the mass of incessant propaganda with which he is faced; first of all, to be able to recognize it; and then do a good job of selection. Since propaganda exists so extensively, he must face the fact and be able to recognize which points emphasized are the truth. Generally, the truth is used but not enough of it. The correspondent must be sufficiently well informed to know all the facts. He must first discard outright a great mass of material and then, winnowing the rest out of his experience and judgment, weigh, discount, check, and finally select from what remains. What has survived the art of manipulation and the power of secret statesmanship he may have for his own use. In all but extreme cases, the good correspondent does not suffer by censorship. He avoids it by astute phrasing of his dispatches, and if necessary by resorting to mechanical means which have been known to be the outgoing diplomatic pouch of a friendly embassy, a train porter or conductor, actually hiring an airplane or auto. to the nearest frontier, which almost nowhere in Europe is more than a day's journey. One verity exists, says Gunther, in connection with news as with murder--it will out.[1] By the time foreign news reaches and is published in the native land of the foreign correspondent, it has been affected by at least four groups of circumstances, before it reaches the private bias of the reader:

1. Genesis
   Frequently, it is the case that the news is very seldom witnessed at first hand by the correspondent.

2. It may be disclosed by the foreign news source, colored by foreign propaganda, or diverted by a foreign censor.

[1] Gunther, pp. 640-642.

3. Salted by the correspondent's own personality and dyed by his personal bias.

4. Influenced all right along by the characteristic policy of the newspaper.[1]

With England, the problem of getting and sending the news is less difficult than it is in some of the other European countries, but difficult enough. Since the press is not sufficiently controlled there, it can print developments more freely; yet there are, nevertheless, restraints that are highly effective. England has a strong Official Secrets Act, which would visit penalties on any persons in authority who might give out important information on government activities without the consent of the highest officials. Even David Lloyd George was once warned about this law when he made revelations and happenings during his term as Prime Minister. Every officer knows he is liable to punishment if he tells anything except through the official spokesman.

The uncontrolled press, however, exercises a wide freedom in going behind these barriers and printing much material that the spokesmen do not pass, but the press puts limitations on itself, recognizing that news affecting national interest has to be guarded in critical situations and refrains from printing what might be harmful to the country's position in a diplomatic campaign. It does not hesitate to consult the Foreign Office in such cases to learn what should be minimized or even deleted, and the Foreign Office in return does not hesitate to suggest the line to be taken for the nation's good. Since the correspondent is largely dependent on the

[1] Gunther, p. 646

press for his information, it will be seen that he is further handicapped in this field in getting at underlying facts. The responsibilities felt by the publishers also extend to private persons who might know of what is going on. In general, they are impressed with the necessity of safe-guarding the country and of assisting its authorities to gain their ends, so they have their patriotic reticences.[1]

In discussing this art of manipulating news, Eugene J. Young offers as an illustration of the effectiveness of this wide-spread system of repression, the proceedings surrounding the Naval Conference in London in 1935-6. In the great struggle, behind the scenes, between the British government and the Dominions, the former wanted to take a position midway between America and Japan, and to arrange some kind of compromise on the 5-5-3 naval ratio, but the Dominions were determined that America must be supported loyally on the arrangements of the Washington Conference of 1921-2. News correspondents knew of this conflict, but could not tell of it, because nobody concerned would reveal anything about it. They were able only to record the result. When General Smuts, speaking for the Dominions, placed them squarely behind America, then the British also swung in behind and supported the United States from then on.[2] Perhaps the reason for England's skill in the manipulation of information is that she had great experience in moulding public opinion as she built up her empire. She carefully studied out every device to paint her own activities as commendable and the activities of others as

[1] Young, E. J. op. 29-30

[2] Ibid, p. 30

abhorrent. Most of the African empire was acquired, says Young, under the device of abolishing slavery; but when Mussolini gave that reason for the invasion of Ethiopia, it was scorned and belittled. The idea is to make mountains out of molehills, and molehills out of mountains, depending on whether England or some other nation commits an act likely to arouse public protest. In this respect, England is not unique because this is the universal technique.

Just at the very time that the British press and propaganda agencies were stirring up the world against the Italian invasion of Ethiopia, the British were conducting a similar adventure on the northeastern frontier of India. Tribesmen there were accused of raiding and agitating, just as Mussolini had charged the Ethiopians with similar offenses. A large expedition was sent into their country, airplanes rained bombs on their defenseless villages, and their territory was taken over, but the British press handled the news so expertly that but few facts of the invasion were permitted to come out. So cleverly was the expedition represented as bent on an errand of civilization, that the world did not draw the parallel with the adventure in Ethiopia, and nobody arose at Geneva to demand sanctions against Britain.

[1] Young, E. J. p. 31

THE CASE FOR AND AGAINST CENSORSHIP

Most vital issues have two sides, and censorship is no exception to the rule. At times in the history of English literature the war of censorship was waged vigorously and wrathfully by those in power and those suffering from someone else's possession of it. The years have witnessed the growth of the censorship idea as well as many changes in its theory and practice. The press and speech have become steadily freer and themselves serve today as good arguments against censorship, proving that freedom not curbed need not be abused. At the same time that the press and speech have been enjoying comparative freedom from censorship, other modern factors like the radio and the film have come into being and escaped official authoritative censorship control. Propaganda, perfected to a fine art, plays a dominant role in the censorship tapestry, but the subject, as I have said, has two sides and the arguments for and against censorship are many, but the leading ones crop up again and again, in Select Committees of Investigation, editorials, news accounts, the reactions of angry authors whose work has suffered by censorship and conscientious reformers and busybodies who would tighten the reins of existing censorship. The arbitrary and high-handed rigor of early censorship has petered out, but the one outstanding survival of the censorship of those same days is that which we have in connection with

the drama, and it is around that phase of the problems that most of the arguments have centered. The tendency has been, since England is a democratic country, to develop away from oligarchic practices and that is why, as the democratic way of life becomes more and more widely adopted, the limits of censorship become narrower and the democratic practice becomes extended.

This offers to us one of the most frequent objections to censorship; namely, that it is undemocratic and practically a survival of mediaeval tyranny. The objector to this argument is inclined to hold that since democracy is government for the greatest good of the greatest number, censorship is out of necessity a necessary evil.

The arguments in favor of censorship are considerably fewer than those against the practice. It is true that our study has brought before our attention many beneficial acts, for the good of the people at large, as well, frequently, as for the good of the particular individual concerned. We have seen how the fourteen-year imprisonment of Roger Bacon gave the initial interest to much of his great work. We have also seen in later centuries how the censorship of the drama directed the genius of Henry Fielding from one literary channel into another. Putnam offers as reason for censorship the argument that works of doubtful character should be censored in order to keep them from circulating among the ignorant and that a portion of such matter is likely to demoralize them, since the safety of a nation rests on the

intelligence and moral character of the individual citizen. This is fair ground for the claim that all measures should be taken to secure those things. This leads to the further argument that it is not only the State's right, but also its duty to protect its citizens.[1] In an article on censorship in the "Encyclopedia of Religion and Ethics," Thomas Templeton[2] claims that censorship needs to be extended in order to check the increasing stream of dirt; failure to do so allows for freedom from scrutiny and, this, in turn, would mean descent into the abyss. Further, he claims that the local authority would be slow to prosecute if it lacked some such stimulus as that provided by censorship. In connection with stage censorship, he says stage managers fear that the results of lack of censorship would bring disrepute on the whole stage. To his mind, stage censorship is more practicable than censorship of books or of newspapers. Plays are limited in number and it is possible for one man to read and pass judgment on them all in England (that is, all that are sent to the Examiner through the theatre). Authorities thus serve as sifters of the many plays of aspiring young writers; censorship in this respect provides protection of actors and audiences. It eliminates many poor plays. Probably the most forceful argument and the one most commonly used is that which claims that censorship is exercised for the greatest good over the greatest number, an underlying principle of democracy.

1 Putnam, G. H., "The Growth of the Censorship Idea"-The Independent, Vol. 110, May 26, 1923.

2 Templeton, Thomas, "Encyclopedia of Religion and Ethics" Vol. 3, pp. 304-5.

In number, the arguments against censorship are far greater. Bolitho maintains that censorship should be dubbed suppression. Speaking of the press, he says that it would be likely to destroy that universality, the necessary element of objectivity which is the unique attraction of the newspaper and without which it has no more power than has bad literature. The press, he claims, is modern democracy's weak and vital spot and the censor, in the technique of minority rule, ranks ahead of the executioner, who is having even in these times a twenty-four hour start over the firing squad.[1] Heywood Broun maintained the censor ruins ideas that might have lived forever, and in this sense is even more arbitrary than an emperor who can snip off the heads of men and women, who are mere mortals. Cleanliness, with Broun, is next to godliness but just behind comes the censor; he holds the unluckiest thing possible is to have somebody hand one a blue pencil and say "Now you're a censor."

Broun sees the possibility of no rule of censorship that can be framed so wisely that in time some circumstances will not arise under which the censor may turn to an absurd use. No man can continue to make decisions all day long without eventually falling back upon a bulwark of printed instructions, and when rules become too general, they give the censor too much leeway. Persons seeking for tighter censorship reason on a theory that there is great demand for salacious movies and plays, but there is no continuing appeal for dirt in the theatre. It doesn't permanently sell the biggest of magazines or newspapers, and

[1] Balitho, William, "The Eyes and Ears of Democracy"-Vol. 57, pp. 731-33, March 1, 1927.

naturally there is not a paying commodity for dirt in the theatre. The best the censor can do is to guess what will be obscene for the general public. The general public can be much more accurate in its reactions, for it knows, and is prepared to stay away from the dirty shows in droves.[1] Broun suggests a three-fold solution. He says the job should be given to the wisest man, or invested to a group of average men, or that censorship should be abolished. He says, once a line is drawn, a few nasty books, due to the narrowness of that line, will be successful. Take away the line and you take away their popularity.

As a matter of fact, he finds it is a good moral training to have some badness in the world and there should be some immoral writing so that a community might be brought up to take it or leave it alone.[2] A frequently offered argument is that the reading of adults is judged by the censor according to standards for children or idiots.[3] The censorship tends to become bureaucratic. The bureaus tend to be erratic and ill-considered in their activities.[4]

Once given the position, a censor seeks to justify his appointment; as time goes on, he assumes a wider and wider range of interpretation.

Notoriety bestowed on cheap books which would never otherwise have been brought to the reader's attention would seem to nullify the value of censorship.[5]

1 Broun, Heywood, "Where Does Censorship Start"-- Collier's Vol. 67, March 17, 1921 pp. 24-5

2 Broun, "Censoring the Censor"-- The Bookman, May 1931 Vol. 53. Law 3 pp 193-6

3 Ernst and Lindey, p. 188

4 Weeks, "Practice of Censorship"- p. 19

5 Ibid, p. 25

Not only does it provide notoriety for cheap books, but it includes in its scope the classics as well. Conditions within a given period very frequently change, but the censor does not necessarily, and is inclined to continue his censoring of new works in view of earlier history.

In an article entitled "The Source of Information," Hiliare Belloc[1] complains about the censorship of public information, upon which Englishmen depend for their nourishment of public opinion. He recognizes that such censorship can be of advantage if it is in the hands of a zealous patriot and of value to a commercial nation, at the moment without an armed force. But a nation trained to think under such falsehood loses, he says, its power of judgment on exact information. Society breaks down if no one over a long period of time has believed in a sense of proportion or a fund of knowledge. He resents the control of the opinion of London that lies in the hands of half a dozen papers, and London represents about one-fifth of England in number and more than one-fourth of her economic power.

He cites a remedy offered by Chesterton that all published writing should be signed and that prosecution should be enforced on publishers of falsehood, detrimental to the commonweal, if they cannot prove the falsehood to be true.

It is known that although plays have been prohibited, they have very often been put on privately. This may, in part, check the evil but not completely, and plays put on privately, because

[1] English Review—Vol. 1, 1908-9 pp. 799-808

they were not licensed by the Examiner of Plays, can appear in book form and corrupt the reader. This would seem to defeat the purpose of censorship. The "Nation" suggests another evil[1] which is, that gutter-print judgments are too often applied to the better works. Further, the danger of censorship can be an intensification of the spirit of opposition and may drive the recusant to extremes. Radical novels may have pernicious tendencies but the evil, if any, is different in kind than that of pornographic literature, that properly falls under censorship. They do not circulate by the million but address themselves to people of intelligence and in the long run intelligent public opinion may be trusted to deal properly with the standards and motives of literary men.

Critics for years have been pointing out that aside from the use of censorship itself, the machinery used for dramatic censorship in England is the worst device and full of inconsistencies.[2] Templeton, pointing out the impracticability of censorship, claims that books are altogether too many in number to be censored, and censorship is inadvisable since it deprives the nation of most of its best literature. He also emphasizes that divorce court cases are a strong deterrent from immorality, and yet they may not be published.

Returning to the question of stage censorship, he brings out the point that the stage is the only institution regularly censored for good manners, decorum, or the public peace. Why should

1 The Nation, Vol. 94, pp 105-6

2 Living Age, Vol. 326 September 19, 1925 pp. 643-4

one little expression be subjected to censorship and no other? Further, there is no court of appeal allowed the dramatist, but, on the other hand, book cases can be appealed.

In considering censorship under the title "The Lynching of Public Opinion." George Rothwell Brown claims that a subservient press prospers only under a personal government, and the back-handed censorship of propaganda to cloud an issue, to befog an opinion or to idealize an individual is a sinister clothing of incompetency with a body plumage of efficiency.[1]

Henry Arthur Jones in his collected material on the foundations of a national drama in England says that the lack of prosecutions shows that the play-goers don't need a censor but are competent to judge themselves. He contends that two sets of laws for music halls and theatre are silly. Quality is possible only through a single restriction against indecency or harm to the general public. There is generally no possible question about the great bulk of English plays.

[1] North American Review Vol. 209, June 1919 p. 794.

CONCLUSION

This dissertation has been a history of literary censorship in England, starting out with a description of the general features of and principles underlying censorship. It took up the various kinds of censorship, showed how the standards of censorship varied in different periods, and then touched upon the vital effects that censorship had on literature. It traced the origins of English censorship from the Roman censor and the Index of the Roman Catholic Church through the local gossipers and village elders that existed in the earliest communities in England, to the edicts of sovereigns, to the Master of Revels, whose powers became extended into formal censorship.

In studying the expression of formal censorship in England, I have taken up the various ways in which English literature has asserted itself; in order, they have been books, the drama, the press, (i.e. pamphlets and papers apart from books) speech, the radio, and films. In each instance, there has been censorship of some sort in the case of the drama, books, the press, and speech; it has been one of growth which has reached a peak and, except in the case of the drama, has declined. In the case of radio and films, it has remained practically the same since it was first established. The study of these expressions of censorship was concluded at the time

of treatment and needs no further review at this point. After the body of discussion of formal censorship in literature, I took up the interrelationship of censorship and propaganda, showing that one was frequently a supplement to the other, the latter being a factor of increasing importance in modern society, especially in connection with war censorship, where it has reached its highest development.

The dissertation next considered England's place in contemporary world censorship, placing it definitely between the authoritative censorship of the European dictatorships and the more healthful system of censorship in the United States, identifying it almost exactly as the latter. That censorship manifests itself today was completely brought out in a consideration of outstanding instances in the last few years and, in varying degrees, these instances revealed the power of the censor's blue pencil.

The last section closed the main body of the thesis with the case for and against censorship as presented by leading and typical critics of the system. Of the two, the negative arguments seemed to out-weigh the case for censorship in number and vehemence. But when we recall the contrast between English censorship and that exercised by autocratic governments, it occurs to us that the case for censorship is not an unworthy cause; censorship has hit its peaks in the past in England, but we have found that by the present day, it has spent its evils, and at one and the same time has retained most of its good characteristics.

In one last look at the censorship tapestry, we find the threads

as they exist today quite pale. They are being worked but from behind and their colors are not harsh. The political and religious threads are almost indistinct, while the morality thread possesses the greatest dominance. The threads hang loosely. Whether or not they will be worked more vividly in years to come is the secret of posterity.

LIST OF APPENDICES

A TYPICAL IMPRIMATUR PAGE

Nihil Obstat.
GREGORY RYBROOK, D. D., ORD. PRAEM.
Censor Librorum.

Imprimatur.
† PAULUS PETRUS
Epps. Sinus Viridis.

Green Bay, Wis., Oct. 10, 1922.

PRINCIPAL ROMAN INDEXES[1]

Index of Paul IV	(Rome, 1559)
Index of the Council of Trent	(Pius IV, Rome, 1564)
Index of Clement VIII	(Rome, 1596)
Index of Alexander VI	(Rome, 1664)
Index of Clement X	(Rome, 1670)
Index of Innocent XI	(Rome, 1681)
Index of Benedict XIV	(Rome, 1752)
Index of Benedict XIV	(Rome, 1758)
Index of Pius VII	(Rome, 1819)
Index of Gregory XVI	(Rome, 1835)
Index of Pius IX	(Rome, 1877)
Index of Leo XIII	(Rome, 1881)
Index of Leo XIII	(Rome, 1900)
Index of Benedict XV	(Rome, 1917)
Index of Pius XI	(Rome, 1922)
Index of Pius XI	(Rome, 1922)

(1) Pernicone, p. 249.

The present legislation of the Church concerning the Prohibition of Books is contained in the following canons,[1] and in the Index of Prohibited Books:

Code of Canon Law -- Canons 247, sect. 4; 1384; 1405; 2318, sect. 2.

Canon 247, sect. 4. All questions of forbidden books are subject to this Congregation (i.e. Congregation of the Holy Office).

Canon 1384. The Church has the right to rule that Catholics shall not publish any books unless they have first been subjected to the approval of the Church and to forbid for a good reason the faithful to read certain books, no matter by whom they are published.

The rules of this title concerning books are to be applied also to daily papers, periodicals, and any other publication, unless the contrary is clear from the Canons.

Canon 1385. Without previous ecclesiastical approval even laymen are not allowed to publish:

1. the books of Holy Scripture, or annotations and commentaries of the same;

2. books treating of Sacred Scripture, theology, Church history, Canon Law, natural theology, ethics, and other sciences concerning religion and morals. Furthermore, prayer books, pamphlets and books of devotion, of religious teaching, either moral, ascetic, or mystic, and any writing in general in which there is anything that has a special bearing on religion or morality.

(1) These English translations are taken from "The New Canon Law, - a commentary and summary of the new Code of Canon Law," by Rev. Stanislaus Woywod, O.F.M., p.42,pp.285-290, p.378.

3. sacred images reproduced in any manner, either with or without prayers.

The permission to publish books and images spoken of in this Canon may be given either by the proper Ordinary of the author, or by the Ordinary of the place where they are published, or by the Ordinary of the place where they are printed; if, however, any one of the Ordinaries who has a right to give approval refuses it, the author cannot ask it of another unless he informs him of the refusal of the Ordinary first requested.

The religious must, moreover, first obtain permission from their major superior.

Canon 1386. The secular clergy are forbidden, without the consent of their bishop, the religious without the permission of the major superior and the bishop, to publish any book on secular topics, or to be a contributor to, or editor, of daily papers, periodicals, booklets, etc.

In papers, pamphlets and magazines which, as a rule, attack the Catholic religion or good morals, not even laymen should write anything except for a good and reasonable cause, to be approved by the Ordinary.

Canon 1387. Matters pertaining in any manner to the causes of beatification and canonization of the servants of God, may not be published without permission from the Sacred Congregation of Rites.

Canon 1388. All books, summaries, booklets and papers, etc., in which the concession of indulgences is mentioned, shall not be published without permission of the Ordinary of the diocese.

Special permission of the Holy See is required for printing in any language authentic collections of prayers and good works to which the Holy See has attached indulgences, as also a list of the papal indulgences previously collected, but never approved, and summaries to be now made up from the various concessions.

Canon 1389. The collection of decrees of the Roman Congregations cannot be published anew without first obtaining permission from the respective Congregation, and observing the conditions which the prefect of the Congregation may lay down in giving permission.

Canon 1390. In the publication of liturgical books, or parts thereof, and in reprints of litanies approved by the Holy See, the Ordinary of the place where the printing is done, or where they are published, must attest that the copy agrees with the original official edition.

Canon 1391. Translations of the Holy Scriptures in the vernacular languages may not be published unless they are either approved by the Holy See, or they are published, under the supervision of the bishop, with annotations chiefly taken from the Holy Fathers of the Church and learned Catholic writers.

Canon 1392. When a work is approved in its original text, the approval does not extend to translations into other languages nor to other editions; wherefore both the translation and the new edition of a work already approved needs a new approval.

If various chapters that have appeared in approved magazines, or other periodicals, are collected and published in book form, they are not considered a new edition and do therefore not need a new approval.

Canon 1393. In every episcopal Curia there should be official censors, who shall examine the works to be published.

The examiners should be free from all human respect in the exercise of their office, and shall have before their eyes only the dogmas of the Church and the universal Catholic teachings contained in the decrees of the General Councils, in the constitutions and orders of the Holy See, and in the consent of approved doctors.

The censors should be taken from both the secular and religious clergy, and should be men of mature age, of tried learning and prudence, who will take the golden mean in approving or rejecting doctrines.

The censor must give his opinion in writing; if it is favorable the Ordinary may allow the manuscript to be published; the imprimatur of the bishop is preceded by the opinion of the censor over his signature. Only in extraordinary cases and rare circumstances may, according to the bishop's judgment, the name of the censor be omitted.

The author shall never be informed of the name of the censor who is to revise his book before he has given his judgment.

Canon 1394. The permission of the Ordinary by which he grants

faculty to publish a manuscript shall be given in writing, and shall be printed either at the beginning or end of a book, magazine, or on pictures, with his name and the date and place of the concession.

If permission for publication is to be denied, the reasons should be given to the author unless there are grave reasons why this should not be done.

Canon 1395. The right and duty to prohibit books for a good reason rests with the Supreme Pontiff for the whole Church, with the particular councils for their territory, with the individual Ordinary for his diocese.

From the prohibition of inferior authorities recourse may be had to the Holy See, not however, in suspensivo, which means that the prohibition must be obeyed until Rome has rescinded the orders of the inferior authority.

Also the abbot of an independent monastery, and the supreme superior of a clerical exempt religious body, may with their respective council or chapter prohibit books to their subjects for good reasons; the same authority possess other major superiors in union with their council in cases where immediate action is necessary, with the duty, however, to refer the matter as soon as possible to the supreme superior.

Canon 1396. Books forbidden by the Holy See are to be considered forbidden everywhere, and in any translation into other languages.

Canon 1397. It is the duty of all the faithful, and especially of the clergy, of ecclesiastical dignitaries, and of men of extraordinary learning, to refer books which they think pernicious to the Ordinary or to the Holy See. This duty pertains by special title to the legates of the Holy See, to the local Ordinaries, and to rectors of Catholic Universities.

It is expedient in the denunciation of a book not only to indicate the title of the book, but also, as far as possible, the reasons why a book is thought to deserve condemnation.

Those to whom the book is denounced are by sacred duty bound to keep secret the names of those who denounce it.

The local Ordinaries must, either in person or, if necessary, through other capable priests, watch over the books which are published or sold in their territory.

The Ordinaries should refer to the Holy See those books which require a more searching examination, also works which for their effective prohibition demand the weight of the supreme authority.

Canon 1398. The prohibition of books has this effect that the forbidden books may not without permission be published, read, retained, sold, nor translated into another language, nor made known to others in any way.

The book which has in any way been forbidden may not again be published except after the demanded corrections have been made and the authority which forbade the book, or his superior, or successor, has given permission.

Canon 1399. By the very law are forbidden:

1. editions of the original text, or of ancient Catholic versions, of the Sacred Scriptures, also of the Oriental Church, published by non-Catholics; likewise any translations in any language made or published by them;

2. books of any writers defending heresy or schism, or tending in any way to undermine the foundations of religion;

3. books which purposely fight against religion and good morals.

4. books of any non-Catholic treating professedly of religion unless it is certain that nothing is contained therein against the Catholic faith;

5. books on the Holy Scriptures or on religious subjects which have been published without the permission required by Canons 1385, section 1, nn. 1, and 1391; books and leaflets which bring an account of new apparitions, revelations, visions, prophecies, miracles, or introduce new devotions even though under the pretext that they are private; if these books, etc., are published against the rules of the Canons;

6. books which attach or ridicule any of the Catholic dogmas, books which defend errors condemned by the Holy See, or which disparage Divine worship, or tend to undermine ecclesiastical discipline, or which purposely insult the ecclesiastical hierarchy, or the clerical and religious states;

7. books which teach or approve of any kind of superstition, fortune-telling, sorcery, magic, communication with spirits and such like affairs.

8. books which declare duels, suicide, divorce as licit; books which treat of Masonic and other sects of the same kind, and contend that they are not pernicious, but rather useful to the Church and civil society;

9. books which professedly treat of impure and obscene subjects, narrate or teach them;

10. editions of liturgical books approved by the Holy See, but which have been unlawfully changed in some things so that they no longer agree with the editors authorized by the Holy See;

11. books which publish apocryphal indulgences, or those condemned or recalled by the Holy See;

12. images of our Lord, of the blessed Virgin, angels, saints, and other servants of God, which are not in accord with the mind and the decrees of the Church.

Canon 1400. Books mentioned in n.1 of the preceding Canon, and books published against the law of Canon 1391, are allowed to those who in any way engage in theological or Biblical studies, provided these books are faithful and complete copies of the original, and do not in their introduction, or in their notes, attack Catholic dogmas.

Canon 1401. Cardinals and bishops, both residential and titular, are not bound by the ecclesiastical prohibition of books, provided they use the necessary precautions.

Canon 1402. Ordinaries can give permission to their subjects for the reading of books forbidden by the general law of the

Code, as well as by decree of the Holy See, for individual books and in individual and urgent cases only.

If the Ordinaries have obtained from the Holy See general faculty to allow their subjects the keeping and reading of forbidden books, they should give this permission with discretion.

Canon 1403. Persons who have obtained from the Holy See the faculty of reading and keeping forbidden books cannot for that reason read and keep books forbidden by their Ordinaries, unless the Apostolic indult explicitly gives them the faculty to read and keep books forbidden by any authority.

Moreover, they are held by grave precept to guard the forbidden books in order that they may not fall into the hands of others.

Canon 1404. Book dealers shall not sell, lend, or keep books, which professedly treat of obscene matters; other forbidden books they should not have for sale unless they have obtained permission from the Holy See, nor should they sell them to any one except they can reasonably judge that the buyer has the right to ask for these books.

Canon 1405. By the permission to read forbidden books no one is exempted from the prohibition of the natural law not to read books which are to the reader a proximate occasion of sin.

Local Ordinaries, and others having the care of souls, shall at proper times and occasions warn the faithful of the danger and harm of bad books, especially of those that are forbidden.

<u>Canon 2318.</u> Excommunications reserved to the Holy See "Speciali Modo" befall:

2. publishers of books written by apostates, heretics, and schismatics, who advance the cause of apostacy, heresy, or schism; also those who defend such books, and others condemned by name through Apostolic Letters; finally those who, knowing of the censure, read or keep such books without due permission.

[illegible] OF THE DRAMA IN ENGLAND

MASTERS OF REVELS

John [illegible]ulto

John Lydgate

Earl of Essex, 1510

Sir Henry Guildford, 1511

Lord Leonard Grey 1524-1539

Sir Anthony Browne 1534-1535

Richard Gibson d. 1534

John Farlyon 1534-1539

John [illegible]es 1537-1547

Sir Thomas Cawarden

Herbert cited a list in a petition to Charles II against the grant to Killigrew and D'Avenant, to form two companies of players as follows:

Sir Richard Guildford--not on record

Sir Thomas [illegible]--1[illegible]

Sir Thomas Benger--not on record (1559)

Sir John Fortescue--not on record (1573)

Edmund Tilney--15[illegible]

Sir George Buck--1603

Sir John Astley--1[illegible]

Benjamin Johnson--1617

Sir Henry Herbert 1623-1662

Simon Thelwall, Esq.--1663

Thomas Killigrew--1663-1673

(Son) Charles Killigrew--1682-1725

Charles Henry Lee--1725-1744

Solomon Dayrolle--1744-48

The office probably died with him. The jurisdiction was transferred in 1737 to a legally appointed Stage Licenser.

<u>LICENSERS OF THE STAGE or EXAMINERS OF PLAYS</u>

William Chetwynd--1738

John Larpent--1778-1824

George Colman--1824-1837

After Colman, the Lord Chamberlain became more clearly the actual official.

Charles Kemble--1836-1840

(Son) John Mitchell Kemble--1840-1857

William Joshua Donne--1857-1871

E. F. S. Pigott--1874-1895

George A. Redford--1895-1911

Ernest A. Bendall--1911-1920

Joint-Examiner with Charles Brookfield

G. S. Street--1920

COPY OF OATH TAKEN BY EXAMINER OF PLAYS[1]

You shall swear by the Holy Evangelists, and the contents of that book, to be a true and faithful servant unto our Sovereign Lord George the Fourth of the United Kingdom of Great Britain and Ireland, King.

You shall know nothing that may be in any wise hurtful or prejudicial to His Majesty's Royal Person, State, Crown, or Dignity, but you shall hinder it all in your power and reveal the same to the Lord Chamberlain or one of His Majesty's most Honorable Privy Council.

You shall serve the King truly and faithfully in the place and quality of Examiner of all plays, tragedies, comedies, operas, farces, and interludes or any other entertainment of the stage of what denomination soever.

You shall be obedient to the Lord Chamberlain of His Majesty's Household.

(So help you God)

1 Fowell and Palmer, p. 354

COPY OF THE LICENSE ISSUED BY THE LORD CHAMBERLAIN
TO PERMIT THE PERFORMANCE OF A STAGE PLAY

It having been represented to me by the Examiner of all Theatrical Entertainments that a.....
does not in its general tendency contain anything immoral or otherwise improper for the stage. I, the Lord Chamberlain of His Majesty's Household, do by virtue of my Office and in pursuance of the Act of Parliament in that case provided, allow the Performance of said.....at your.....with the exception of all Words and Passages which are specified by the Examiner in the endorsement of this License and without any further variations whatsoever.

Given under my hand this.....day of.....190

Lord Chamberlain

To the Manager of the.....

Mem.----------The particular attention of the management is called to the following Regulations which refer to all Stage Plays licensed by the Lord Chamberlain. The strict observance of these Regulations is to be considered as the condition upon which the License is signed.

Notice of the change of title of a piece to be given to the Examiner of Plays.

No profanity or impropriety of language to be permitted on the stage.

No indecency of dress, dance, or gesture to be permitted on the stage.

No offensive personalities or representations of living persons to be permitted on the stage, nor anything calculated to produce riot or breach of the peace.[1]

[1] Fowell and Palmer, p. 355

Memorandum on the Law and Practice
as to
Restoration Plays

Lord Chamberlain's Office,
St. James Palace, S. W.

The practice has always been to regard plays of this period as not coming under the designation of new stage plays. They are treated in the same category as Shakespeare's plays, which are not submitted for license.

With regard to the law, by a warrant of the fourth of June 1647, issued in consequence of profane plays being brought forward, no new play was to be acted till submitted to the Lord Chamberlain's Secretary.

By the Act 10 George II, cap. 28, to take effect from and after the 24th of June 1737, the illegality of producing or acting any new play, etc., without sending a copy to the Lord Chamberlain 14 days at least before its performance was established. The Act also provided that the Lord Chamberlain could, whenever he thought fit, prohibit a performance of "any interlude, tragedy, comedy," etc., or any part thereof.

This Act has been repealed, but the powers are preserved by the Theatres Act of 1843, which requires that any new play, etc., must be submitted to the Lord Chamberlain for license, and gives him powers under Section 14, to stop the performance of any play, however old, "in the interests of good manners, decorum or of the public peace."

August 10, 1909.

Fowell and Palmer, pp. 354-355

PLAYS LICENSED AND REFUSED

A report published for the first time in 1912 showing the numbers of stage plays licensed from 1852 to 1912, and also the number for which licenses were refused:[1]

DATE	LICENSES GRANTED	LICENSES REFUSED
1852	225	2
1853	204	2
1854	219	33
1855	167	0
1856	176	1
1857	183	1
1858	165	2
1859	202	2
1860	242	3
1861	217	1
1862	201	1
1863	220	0
1864	200	0
1865	181	1
1866	187	0
1867	174	0
1868	159	0
1869	150	2
1870	184	2
1871	263	5

1 Fowell and Palmer, p. 353

DATE	LICENSES GRANTED	LICENSES REFUSED
1872	206	1
1873	247	0
1874	178	1
1875	213	0
1876	344	0
1877	272	4
1878	204	0
1879	272	0
1880	252	0
1881	286	0
1882	302	1
1883	287	0
1884	320	2
1885	288	3
1886	294	3
1887	304	0
1888	348	1
1889	287	0
1890	297	1
1891	244	1
1892	396	1
1893	362	0
1894	433	0
1895	374	4
1896	461	2
1897	481	3

DATE	LICENSES GRANTED	LICENSES REFUSED
1898	440	2
1899	464	6
1900	466	3
1901	513	2
1902	519	2
1903	538	3
1904	468	1
1905	520	2
1906	579	2
1907	536	4
1908	560	4
1909	577	3
1910	604	2
1911	608	6
1912 (to Oct. 31)	1070	6

STATUTORY PROVISIONS[1]

AFFECTING OFFENCES AGAINST OBSCENITY

1824--Vagrancy Act

1838--Vagrancy Act

1839--Metropolitan Police Act

1847--Town Police Clauses Act

1857--Obscene Publications Act

1876--Customs Consolidated Act

1888--Law of Libel Amendment Act

1889--Indecent Advertisements Act

1907--Public Health Acts Amendment Act

1908--Post Office Act

1925--Criminal Justice Act

1926--Judicial Proceedings (Regulation of Reports)Act

1935--Post Office (Amendment)Act

IMPORTANT CASES OF OBSCENE LIBELS[2]

1708--R. v. Read

1727--R. v. Curl

1819--R. v. Mary Carlile

1853--Dugdale v. R.

1868--R. v. Hicklin

1872--Steele v. Brannen

1877--R. v. Bradlaugh

1899--R. v. Hirsch

1906--R. v. Barraclough

1907--R. v. DeMarny

1932--R. v. DeMontalk

1 Craig, p. 181

2 Ibid, p. 180

EMINENT PERSONS WHO HAVE APPEARED AS WITNESSES
IN
OBSCENE LIBEL TRIALS OR WHO HAVE DEFENDED BOOKS AGAINST BANNING[1]

Lascelles Abercrombie
Arnold Bennett
Lawrence Binyon
H. G. Bohn
Robert Briffault
John Buchan
Robert Buchanan
Edward Carpenter
Janet Chance
Moncure D. Conway
Harold Cox
Geoffrey Dunlop
Michael Fielding
Professor J. C. Flugel
E. M. Forster
Edward Garnett
Professor J. B. S. Haldane
Thomas Hardy
E. F. Hitchcook
Lawrence Housman
Professor Julian Huxley
Dr. W. Pinnington Jensen
Sir W. Arbuthnot Lane
Sir Oliver Lodge
Rose Macaulay
Professor Malinowski
Desmond McCarthy
George Moore
Carol Morrison
Robert Nichols
Eden Phillpotts
J. M. Robertson
Dr. Maude Royden
Mrs. Seaton-Tiedeman
Bernard Shaw
Sheila Kaye Smith
Lytton Strachey
St. Loe Strachey
Henry Vizetelly
H. G. Wells
Amabel Williams-Ellis
Lady Winstedt

[1] Craig, pp. 182-183

DISTINGUISHED PERSONS WHO HAVE EXPRESSED THEMSELVES AGAINST CENSORSHIP

William Archer
Granville Barker
J. M. Barrie
Arnold Bennett
Rudolf Besier
George Calderon
R. C. Carton
Joseph Conrad
Arthur Quiller-Couch
W. L. Courtney
A. Conan Doyle
H. V. Esmond
J. B. Fagan
Frederick Fenn
C. B. Fernald
H. Hamilton Fyfe
John Galsworthy
Edward Garnett
Cicely Hamilton
Frederic Harrison
Anthony Hope Hawkins
Maurice Hewlett
Roy Horniman
Lawrence Housman
W. H. Hudson
Henry James
Jerome K. Jerome
Sir Henry Arthur Jones
Cosmo Gordon Lennox
W. J. Locke
Mrs. Alfred Lyttelton
Margaret Macnamara
Justin Huntley M'Carthy
Charles McEvoy
George Moore
T. Surge Moore
John Masefield
Gilbert Murray
Alfred Noyes
Sir Gilbert Parker
George Paston
Sir Arthur Wing Pinero
John Pollock
Cecil Raleigh
Elizabeth Robins
George Bernard Shaw
Alfred Sutro
Arthur Symons
E. M. Walbrook
H. G. Wells
Mrs. Cornwallis West
Anthony Wharton
W. B. Yeats
I. Zangwill

THE PLAZA

Fifth Avenue at 59th Street

New York

March 22, 1940

Mr. James A. S. Callanan
2 Fairland Street
Boston, Mass.

Dear Mr. Callanan:

I can't remember the exact date of the censorship trouble with the Lord Chamberlain in London, but it was some time in 1936. He had read the play, and said it could not be presented publicly in London. It was done by Norman Marshall at the Gate Theatre, in what was called a "private" showing. The book was not banned, and is still being sold in England. There was no trial of any kind. The Lord Chamberlain is the be-all and end-all of censorship.

If you need further details for your book, write to Norman Marshall at the Gate Theatre, London. He can probably tell you many things about which I do not know.

Yours very truly,

/s/ LILLIAN HELLMAN

LH:JD

QUESTIONS ANSWERED BY MR. SIEPMAN

1. What censorship of the press (books and newspapers), other than that governed by fear of the law of libel, prevails in peacetime England? Most references here in the U.S. say England has had a free press since 1695 - is that so?

Yes. As far as I know there was no peacetime censorship other than control of indecent literature and even this was confined to sex perversion. A book, "The Well of Loneliness" concerning a Lesbian was censored but even this caused an outcry and, if I remember right, a case in court.

2. What religious censorship other than that exerted by the Roman Catholic Church through its Code of Canon Law and Indexes prevails in England? Do the Jews in England have any such system? Does the Anglican Church consider any censorship it exerts the same as State censorship, or vice versa? Who, in the Church of England, acts as official literary censor - Archbishop of Canterbury, York, Bishop of London, or who?

I don't know. I am not aware of any censorship by the Anglican Church, even of an indirect nature.

3. Who is the present Examiner of Plays, if any?

The Lord Chamberlain. Don't know his name.

4. Who in turn succeeded Bendall and Street?

Don't know.

5. What was the result of the furore raised in 1912 about dramatic censorship?

Don't know.

6. Do all plays or sketches on the radio have to be censored by the Examiner of Plays? If not, by whom?

There is <u>no</u> censorship of radio of any sort.

7. What Code of Standards exists for films?

The film industry has a self-imposed censorship, submitting films to a board of censors, set up by the industry itself. It is not, I think, subject to any official censorship.

8. Do the films (cinematograph, I think you call them) come under the Lord Chamberlain for censorship? If not, under whom?

See 7.

9. What Code of Standards exists for the broadcasting industry?

Question not quite clear. Broadcast policy is determined by a Board of Governors appointed by the Prime Minister and acting on their own responsibility, independently of any government control. Policy provides for covering the needs of the listening public in entertainment and education. Educational services are an integral part of British broadcasting covering elaborate and extensive courses for schools, adult education series and more general cultural objectives such as a full provision of first class music. When I planned the BBC programmes, we guaranteed listeners two hours good music a night between 6 p.m and 11 p.m. on one of the two alternative programmes provided. The policy of providing contrasted alternative programmes allowed a generous allocation of time for intelligent programmes - talks, plays, discussions, classical music, news, in that while these were broadcast,a light entertainment alternative was always available. Listeners' interests were covered by advisory committees - on religion, talks, music, etc.

10. In February 1927," The Living Age," commenting on Huxley's talk on the radio about birth control, said, "A year ago when B.B.C. was privately run, etc..... now under government supervision, etc..." How did this happen? By Parliamentary act?

"Government supervision" is inaccurate. In 1927 the British Broadcasting Company, a privately owned enterprise, was made, under royal charter, a public corporation under an independent board of governors. The corporation was subject to criticism in Parliament but <u>not</u> subject to control by Parliament. Questions and criticisms were passed to the BBC for them to deal with at their discretion. The charter of 1927 contains a clause that the Postmaster General <u>may</u> order the inclusion or exclusion of any matter for broadcasting, but like many provisions in our constitution this has been more honored in the breach than in the observance. During my twelve years at the BBC, prior, of course, to the war, I can remember only one occasion when government pressure (and this was indirect) resulted in the exclusion of a programme planned by the BBC -- a talk by a German submarine commander on his activities in the Great War.

C O P Y

MOTION PICTURE PRODUCERS & DISTRIBUTORS OF AMERICA, INC.

28 West 44th Street

New York City

December 6, 1939

Mr. James A. S. Callanan,
2 Fairland Street,
Roxbury, Mass.

Dear Mr. Callanan:

Your letter of December 5th has just been received. I am sorry but there does not seem to be anything that I know of which is put out in printed form regarding the censorship boards in the different countries of the world.

The National Censorship Board in England has a semi-official status but is appointed and supported by the motion picture industry in England itself.

There are very few hard and fast rules there or in other places of the world. They simply censor pictures according to their ideas of what should be seen by the public at any definite time. In other words, at the present time when England is at war certain things are censored that would not be censored under normal times, and some things that would not get by the Board in normal times are now allowed distribution.

The Board is very fair to American pictures and there have been few, if any, serious censorship cuts of the product coming from this country.

Very sincerely,

/s/ F. L. HERRON

WAR CARTOONS

(cf. Chapters on Propaganda and War Censorship)

ENGLAND SAYS "SHH"
POSTERS, COMIC AND GRIM, WARN WAR GOSSIPERS TO GOLD TONGUES
(Life Magazine--March 18, 1940, pp. 47-49)

A DUTCHMAN'S WAR CARTOONS TAKE ON FRESH REALITY TODAY
(Life--May 1, 1939, pp. 46-50)

THROWN TO THE SWINE

The German execution of Nurse Edith Cavell for helping wounded Allied prisoners escape shocked the whole world. The Dean of St. Paul's wrote for this cartoon: "It was the stupidest of German misdeeds."

WAR CARTOONS

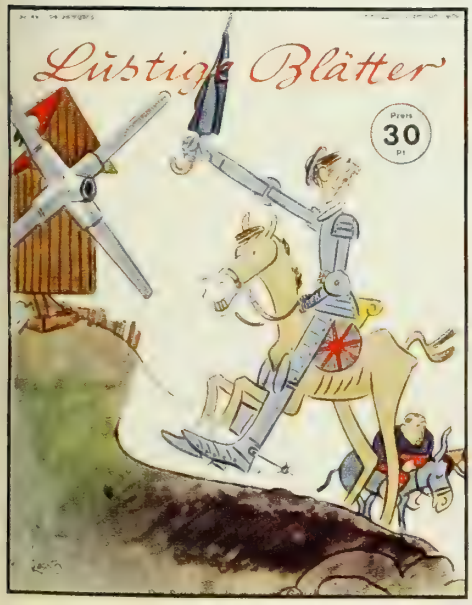
CHURCHILL to "Neutral Trade": "If you'll not be my sweetheart, I'll knock your head in!"

TOMMY: "Frenchmen to the front! We Tommies will look after the Parisiennes!"

Kladderadatsch

POSTER promises "fireworks over London," "water carnival on Firth of Forth"

The Germans' war cartoons to date have two prime characteristics: they are directed almost exclusively against the English and seem preoccupied with rape (*above*). War cartoons present not only the criminality of the opponent, but his absurdity. To the British, Adolf Hitler is a funny little man with a clownish forelock. The Germans have taken full comic advantage of Mr. Chamberlain's umbrella and Mr. Daladier's secondary role in the Allies (*below*). And the whole British Cabinet is regarded as two-faced (*right*).



DON QUIXOTE CHAMBERLAIN (with Sancho Panza Daladier)—"the Forlorn Knight"

IN *KLADDERADATSCH*'s "The Land of Laughter" (title of Lehar operetta) says Chamberlain to Cabinet: "We laugh at the speeches of Goebbels and Ribbentrop!"

"THE COMBAT"

British cartoonists see Nazism as a brute force crushing small peaceful peoples. *Punch* Artist Klingworth combines that magazine's tradition for superb draughtsmanship with the national tradition of St. George *v.* the Dragon. The little town with its gabled roofs and waterways might be Danzig — or Amsterdam or Antwerp.

"Time" Magazine — Jan. 22, 1940

Japan 26-27

WAR CARTOONS

"German civilization on the march!"

"Looks smarter, doesn't it?"

The French weekly comic magazine *Le Rire* has turned in that country's best color war cartoons to date. To the French, the Germans are a pack of skin-clad, club-carrying barbarians, just as they were in War I (*upper left*). But the Gallic spirit manages to get more laughs out of War II than either its allies or its enemy (*see above*). And life behind the lines can be just as amusingly sexy to the French as ever (*see below*).

"Gee! What a beautiful gas mask!"

"Oh, let the air-raid last a little longer!"

TO YOUR HEALTH, CIVILIZATION!

"Civilization made the holocaust possible. The simple methods of killing employed by barbarians could not have destroyed so many lives."

THE GERMAN TANGO

Wrote John Buchan: "A blonde wearing the Imperial crown, her face livid, limbs drooping, is held by inexorable claws."

EUROPE, 1916

Complaints that Raemaekers' cartoons were too bloody were answered by Chesterton who wrote: "The case against horrors must be horrible."

SEDUCTION

"Ain't I lovable?" he asks. Said Chesterton: "To be conquered by such Germans would be like being eaten by slugs."

LIQUID FIRE

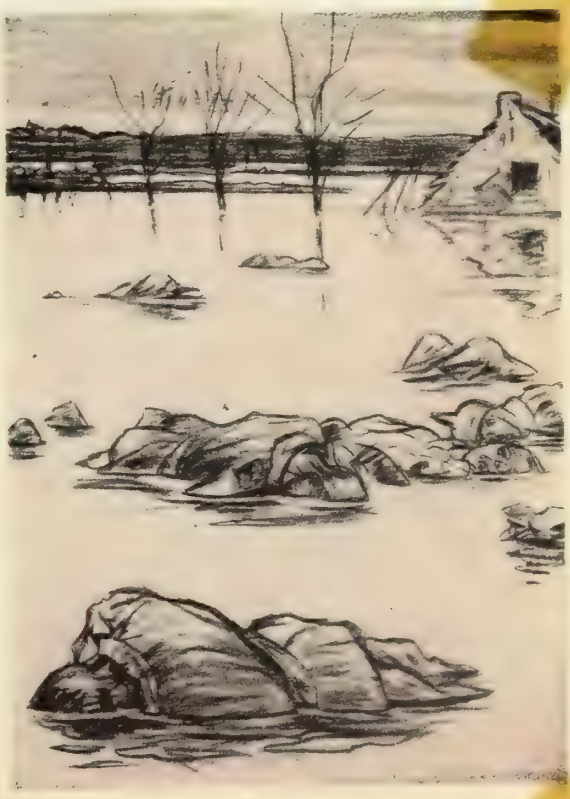
Germany used flamethrowers in 1914–15. The Allies expressed horror but soon were using liquid fire themselves.

GOTT STRAFE VERDUN

Crown Prince "Little Willie," the butt of Raemaekers' jokes, here wonders whether it is safer to attack or retire.

MURDER ON THE HIGH SEAS

"Well, have you nearly done?" asks Uncle Sam. The caption writer compares Boche to the Mohawk and Apache Indian.

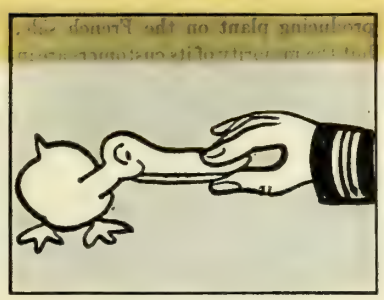


THE YSER

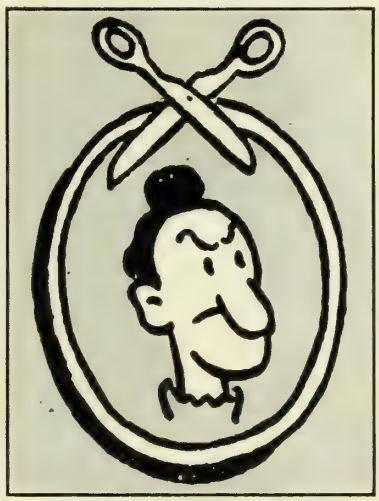
In 1914 at Yser River, the Belgians checked the German drive toward Calais by opening sluices, flooding the region.

PICTURES OF ANASTASIE

ANASTASIE IN ACTION



THE CENSORSHIP



PORTRAIT OF ANASTASIE

JACQUES GETS GAGGED

JACQUES BONHOMME

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(B--WORKS AVAILABLE ON THE SUBJECT)

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A HISTORY OF LITERARY CENSORSHIP IN ENGLAND

Abstract of a Dissertation

Submitted in partial fulfilment of the requirements for the degree of
Doctor of Philosophy
BOSTON UNIVERSITY GRADUATE SCHOOL

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The author presents certain common definitions of censorship and then outlines various kinds of censorship, differentiating between unconscious and conscious censorship, which breaks down into the unofficial censorship on the part of the individual and the formal censorship of Church and State, self-imposed censorship and so-called self-imposed censorship. He outlines the principles underlying censorship, and then discusses changes that have occurred in the standards of censorship in various periods, like the varied personalities of censors, the different character of reigning sovereigns, the general temper of an age, or different motives prompting censorship. The first division of his dissertation ends with the discussion of the effects of censorship on literature, such as inspiring significant literary works, forcing writers into different channels, stifling literary talent, or adopting satire for safety in expression.

He traces the origins of censorship from the Censor in ancient Rome to the Index Romanorum, to gossip in primal communities, to special edicts of sovereigns, to the appointment of a Master of Revels, whose power became extended into formal censorship.

In the main body of the dissertation, he concerns himself with the various expressions that literature may assume—books, the drama, the press, speech, the radio, and films; in order, he considers each expression in detail, tracing the censorship of books under the Roman Emperors, which may have had but little existence as far as the province of Britain was concerned, through the establishment of book censorship by the Popes. He traces the further development of censorship on the part of the Church of Rome through the days when in England such ecclesiastical censorship had the authority of the State behind it up to the time of the Reformation, when the Church of England and the Star Court Chamber took over. Then along independent lines each from the other, he shows how both Churches, of Rome and of England, have carried on their individual censorships down to the present day. The Church of Rome has always maintained that its rules and regulations apply to the entire world, England included, and has never recognized the Church of England. The Church of England supplanted the Church of Rome as the State Church, and today any censorship it exerts is backed by the force of official authority. He then takes up the history of the Star Court Chamber to its abolition in 1641 and the development of censorship by parliamentary statute, which was renewed regularly until 1694 when censorship ceased entirely. Finally, after interpreting the laws against slander, libel, and blasphemy, and Lord Campbell's Act in 1857 against obscenity, he makes a chronological survey of book censorship from earliest times down to the present day, throwing it against this earlier background.

In another section, he shows how the appointment of the Master of Revels as dramatic censor in 1545 was capitalized on and its powers extended by individuals holding that office. From 1624 until 1737 this appointment was transferred to the Lord Chamberlain's office, during which period the theatres had their ups and downs. The Act of 1737 placed a curb on the license of the theatre in the use of political satire, legalized the authority of the Lord Chamberlain, and established regular censorship. In 1843, further provision was made sanctioning the power of the Lord Chamberlain's office. In this same section, the author traces theatre regulations from the direction of pre-secular performances before the Renaissance by clergy and guilds, through

licensing for temporary theatres by Henry VIII and the granting of letters patent by Elizabeth and James I, and various intermediate steps, bringing the study of the theatre down to its official closing by the Puritan government, in 1642; through the Puritan and Restoration periods, he follows the progress of the stage, to the Theatres Act of 1737, Disorderly Houses Act of 1751, the Sunday Observance Act of 1781, etc., until the act of 1843, which freed the London stage and established legal control over the play-houses as it now exists.

Although the censorship of pamphlets and newspapers is handled in part on the section on books, there is a shorter treatment headed "censorship of the press," which traces censorship of the press, as we know it today, from its informal existence in Greece and Rome through the mediæval period under the influence of the Roman Catholic Church up to the time of the Reformation, after which licensers of books (mostly bishops) were appointed, printing censored by Queen Elizabeth, and the Star Chamber system of censorship established until censorship was controlled by Parliament. This was abolished in 1693 and has gone out of existence, except in times of war and in so far as publishers of criminal or injurious matter are answerable to the laws of libel and blasphemy, and must comply with certain statutory requirements regarding the identification of offenders.

Speech, which is closely allied to freedom of the press, is shown to follow along practically parallel lines, subject to certain regulations and restrictions involving civil and criminal liabilities for libel, slander, blasphemy, and obscenity.

In the division of war censorship, which is censorship from a purely military point of view, the author shows it concerns itself with postal communications, telegrams, and cable communications, and printed publications, tracing the development of war censorship through the last century when it was but imperfectly used down to the two World Wars of the present century, when it has become highly perfected.

He brings out the close kinship between censorship and propaganda, emphasizing one as the complement of the other, showing the general features of propaganda and its essential differences from censorship and the relation of both as important factors in social control. He presents the various types of propaganda—political, almost any kind of group propaganda (economic, religious, educational, etc.) and especially war and government propaganda. For propaganda, the two most nearly perfect foils, he finds, are the radio and the film, and both of these are taken up in detail.

The author covers the story of the organization and history of the Britsh Broadcasting Company from 1922 through its incorporation in 1926 down to the present day. He outlines the "policies" of the B.B.C. in several outstanding instances of actual cases of radio censorship. He recognizes the close relationship between education and the radio, as well as propaganda and the radio, drawing careful distinction between the two. He considers radio's part in the present war and then contrasts the English with other systems in Europe and America.

In the outline of film censorship, the author handles the coming of motion pictures and the voluntary establishment of film consorship. Here, too, he recognizes the close relationship between films and propaganda. He makes a

study of the reactions to American films and also how indirectly censorship by the American Production Code affects the films in England. Other influences in the same line that he considers are the Public Morality Council and the Post Office Act of 1935. Before leaving this phase of censorship, he emphasizes the cultural aspects of films and studies the film vs. the radio as examples of non-government and government control.

In a comparative study of contemporary censorships, the author presents the differences between English and other European censorships and then in turn those between English and United States censorship.

Repeating some of his examples used earlier, he offers present-day manifestations of censorship, citing such instances as the suppression of the London Globe in 1914, the Baron Aloisi broadcast in 1935, the Simpson affair in 1936, and the current World War. He explains the problem with which foreign correspondents in London are faced and how for their benefit, and in turn that of the world at large, news items are manipulated through the power of secret statesmanship.

Preceding his conclusion, he offers the case for and against censorship, giving the arguments pro and con that are the most forceful and the most frequently presented by its most ardent critics and enthusiasts.

In closing, he brings in a simile which he has used frequently throughout his work, that of a tapestry, worked in threads that appear and disappear at intervals in unison or in part. The tapestry represents the history of censorship, the threads depict the reasons determining the exercise of censorship, the commonest being religious, political, and moral, historically important in that order, the emphasis being today on the last of the three.

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